

**WESTERN AUSTRALIA  
A HISTORY  
FROM ITS DISCOVERY TO THE  
INAUGURATION OF THE  
COMMONWEALTH**

**BY**

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## **PREFACE.**

In view of the prominent part taken by Australia in the recent war, and the enthusiasm which the achievements of the Australian Forces have aroused throughout the Empire, the story of one of the great States of the Australian Commonwealth may not be without some general interest.

The work has been the result of over twenty years' research, undertaken, in the first instance, in conjunction with the Registrar-General (Mr. M.A.C. Fraser) and his Deputy (Mr. W. Siebenhaar) for the purpose of checking the historical introduction to the Year Book of Western Australia. It has since been continued in the hope that it may prove a contribution of more or less value to the history of colonial development. In the prosecution of the work, the files of the Public Record Office, London, were searched, and copies made of all documents that could be found which related to the establishment and early years of the colony. These copies are now in the possession of the Public Library of Western Australia, which contains also most of the published matter in the way of books and pamphlets dealing with the colony, as well as almost complete files of the local newspapers to date, and the original records of the Colonial Secretary's Office up to 1876. All of these have been at my disposal.

I have had, further, the opportunity of consulting official documents of the Government, and, by permission of the Right Honourable the Secretary of State for the Colonies, secured through the kindness of his Excellency Sir F.A. Newdegate, have had access to all dispatches from the Colonial Office to the colonial authorities up to the year 1901. So far as possible every statement has been verified by documentary evidence, and every care exercised to make the whole work strictly accurate.

In addition to those mentioned, I have to express my obligation to the heads of Government Departments, more especially to the Under Secretary for Lands, Mr. C.G. Morris, and the Surveyor-General, Mr. H.S. King; to the Honourable J.W. Kirwan, M.L.C, for information concerning the federal movement in Western Australia; to Professor Ernest Scott and Dr. R.C. Mills for much helpful criticism; and to Miss M.E. Wood, of the Public Library of Western Australia, for invaluable assistance in checking references and in preparing the manuscript.

**J.S.B.**

PERTH.

September 30th, 1921.

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[MAP OF SOUTH-WEST SHOWING GRANTS OF CAPTAIN STIRLING, THOMAS PEEL AND COLONEL LATOUR.]

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## PLATES.

### PLATE 1. DIRK HARTOG'S PLATE, 1616.

1616. DEN 25 OCTOBER IS HIER AEN GEKOMEN HET SCHIP D  
EENDRAGHT VAN AMSTERDAM DE OPPER KOPMAN GILLES MILBAIS  
VAN LUCK. SCHIPPER DIRCK HATICHES VAN AMSTERDAM DE 27 DITO TE  
SEIL GEGHN NA BANTUM DE ONDER COEPMAN JAN STINS DE OPPER  
STUIERMAN PIETER DOORES VAN BIL ANNO 1616.

Translation of the original inscription: On the 25th of October, 1616, arrived here the ship Eendracht, of Amsterdam: The first merchant, Gilles Milbais van Luyck: captain, Dirk Hartog, of Amsterdam; the 27th ditto set sail for Bantam; under merchant, Jan Stins; upper steersman, Pieter Dockes, of Bil; A.D. 1616.

### PLATE 2. VLAMING'S PLATE, 1697.

1697 DEN 4 FEBREUARY IS HIER AEN GEKOMEN HET SCHIP DE  
GEELVINCK VOOR AMSTERDAM DEN COMANDER ENT SCHIPPER  
WILLEM DE VLAMINGH VAN VLIELANDT ADSISTENT JOANNES BREMER  
VAN COPENHAGEN OPPER STUIERMAN MICHIL BLOEM VAN T STICHT  
BREMEN DE HOECKER DE NYPTANGH SCHIPPER GERRIT COLAART VAN  
AMSTERDAM ADSIST' THEO-DORIS HEIRMANS VAN DITO  
OPPERSTIERMAN GERRIT GERITSEN VAN BREMEN TE GALIOOT HET  
WEESELTIE GESAGH HEBBER CORNELIS DE VLAMINGH VAN  
VLIELANDT STUIRMAN COERT GERRITSEN VAN BREMEN EN VAN HIER  
GEZEYLT MET ONSE VLOT DEN VOORTS HET ZUYDLANDT VERDER TE  
ONDER SOECREN ENGE DISTINEERT VOOR BATAVIA. 12 (DUTCH EAST  
INDIA COMPANY LOGO ?)

Translation of the original inscription: On the 4th of February, 1697, arrived here the ship Geelvinck, of Amsterdam: Captain commandant, Wilhelm van Vlaming, of Vlielandt; assistant, Jan van Bremen, of Copenhagen; first pilot, Micheel Bloem Van Estight, of Bremen; the hooker Myptangh: Captain, Gerrit Collaert, of Amsterdam; assistant, Theodorus Heermans, of the same place; first pilot, Gerrit Gerritz, of Bremen. Sailed from here with our fleet on the 12th to explore the South Land and afterwards bound for Batavia.

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## CHRONOLOGY.

1606:

Duyfken in Gulf of Carpentaria. First authenticated voyage to Australia.

1616:

Dirk Hartog in the Eendracht. First authenticated voyage to Western Australia.

1619:

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1802:  
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1817:  
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1817 to 1822:  
Lieutenant King's survey voyages on the North-West coast.

1826:  
Occupancy of King George's Sound by convicts from Sydney under Major Lockyer.

1827:  
Examination of Swan River by Captain Stirling in H.M.S. Success.

1828:  
Syndicate formed in London for colonisation of Swan River.  
Decision of British Government to found colony.  
Captain Fremantle in H.M.S. Challenger dispatched to take formal possession of Swan River.  
Captain Stirling appointed Lieutenant-Governor.

1829:  
February. Parmelia leaves England with officials and first settlers.  
May. Formal possession taken by Captain Fremantle.  
Act 10 George IV ch.22, authorising establishment of Legislative Council.  
June. Arrival of Parmelia. Proclamation of colony.  
August. Foundation of Perth and Fremantle.

1830:  
Legislative Council constituted by Order in Council.  
Executive Council constituted by Instructions under Sign Manual.

1831:  
Lieutenant-Governor Stirling appointed Governor.  
Convict settlement at King George's Sound withdrawn.  
Agricultural Society established.  
First newspaper issued.

1832:  
Executive Council, Legislative Council, Civil Court established.  
Duel between Clarke and Johnstone.

1833:  
First issue of Perth Gazette--now West Australian.

1834:  
First definite petition for convicts (from Albany).  
Native disturbances--Battle of Pinjarra.

1837:  
Bank of Western Australia established.

1837 to 1840:  
Lieutenant Grey's explorations.

1838:  
End of Governor Stirling's administration.

1839:  
Arrival of Governor John Hutt.

1840:  
Western Australian Company constituted to form settlement at Australind.

1841:  
Eyre's overland journey to King George's Sound.  
Bank of Western Australia amalgamated with Bank of Australasia.  
Western Australian Bank founded.  
Arrival of first Australind settlers.

1845 to 1848:  
Expeditions of A.C., F.T., and C. Gregory.

1846:  
Retirement of Governor Hutt.  
Arrival of Governor Clarke.  
Discovery of coal.  
New Norcia Mission established.

1847:  
Death of Governor Clarke.

1848:  
Arrival of Governor Fitzgerald.  
Discovery of lead and copper.

1843 to 1849:  
Petition for the introduction of convicts.

1849:  
Western Australia constituted a penal settlement.

1850:  
Arrival of first convicts.

1851:  
Commencement of pearling industry.



1854:  
Austin's expedition to the Murchison.

1855:  
Retirement of Governor Fitzgerald.  
Arrival of Governor Kennedy.

1856:  
A.C. Gregory's expedition from the Northern Territory to Victoria Plains.  
Anglican Bishopric established.

1857 to 1858:  
F.T. Gregory's survey of the Murchison and exploration of Gascoyne.

1861:  
F.T. Gregory's expedition to the North.

1861 to 1868:  
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1862:  
Dr. Hampton succeeds Sir Arthur Kennedy as Governor.

1864:  
Roebuck Bay Pastoral Association.  
Camden Harbour Pastoral Association.

1865:  
Denison Plains Association.

1866:  
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1868:  
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1869:  
Arrival of Governor Weld.  
First telegraph line erected.  
John Forrest's expedition in search of Leichhardt.

1870:  
Representative Government established.  
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1871:  
Municipalities Act passed.  
Elementary Education Act passed.

First railway built.

A. Forrest's journey to Esperance.

1872 to 1873:

Expeditions of Giles, Gosse, and Warburton.

1874:

John Forrest's expedition to the north.

Departure of Governor Weld.

1875:

Giles' overland expeditions.

Arrival of Governor Robinson.

1876:

Escape of Fenian convicts.

1877:

Sir Harry Ord succeeds Governor Robinson.

1879:

Exploration of Kimberley district by A. Forrest.

1880:

Kimberley district opened up.

Sir William Robinson succeeds Governor Ord.

1883:

Sir Frederick Broome succeeds Governor Robinson.

1885:

Federal Council Act passed.

1886:

Kimberley Goldfield proclaimed.

1888:

Yilgarn Goldfield proclaimed.

Pilbara Goldfield proclaimed.

1889:

Great Southern Railway opened (built on land-grant system).

1890:

July. Imperial Act conferring Responsible Government passed.

October. Sir William Robinson succeeds Governor Broome.

Responsible Government inaugurated.

December. First ministry appointed, John Forrest Premier.

1891:  
Murchison Goldfield proclaimed.

1892:  
Coolgardie Goldfield discovered.  
Fremantle Harbour commenced.

1893:  
Hannans (Kalgoorlie) Goldfield discovered.

1894:  
Menzies Goldfield discovered.  
Midland Railway opened (land-grant railway).

1896:  
Great Southern Railway purchased by Government.

1899:  
Goldfields Water Supply commenced (completed January 1903).

1900:  
July. Federal referendum taken.

1901:  
Commonwealth of Australia inaugurated 1 January.

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## CHAPTER 1.

### DISCOVERY OF AND EARLY VOYAGES TO AUSTRALIA.

Although a large amount of research into the documentary annals of the world's history has taken place during the past half-century it is still not possible to assign, with any degree of accuracy, a definite date to the discovery of Australia.

From earliest times there have been traditions, probably engendered more by the spirit of prophecy than by fact, of the existence of a Great South Land. Aristotle, Strabo, and others have expressed the opinion that there existed south of the Equator areas of land at least equal in extent to those above it, and in the *Astronomicon* of Manilius (1:238 to 239) we find the lines:

"...Austrinis pars est habitabilis oris, Sub pedibusque jacet nostris."

These statements, however, were merely essays into the region of probabilities, and had not any known basis of fact. But to come down to a later period, it is possible to show from early manuscript maps and other sources that this belief in a southern continent was entertained long before the discoveries made during the sixteenth century. The Vicomte de Santarem, in his *Essai sur l'histoire de la cosmographie et de la cartographie du moyen age*, gives a list of these maps, upon which are to be found vague markings of an inhabited country described as the "opposite earth," which could not be reached owing to the torrid zone; and he points out that "the cartographers of the Middle Ages have submitted that as a reality which, even to the geographers of antiquity, was merely a theory."\* Unfortunately, every effort to discover manuscripts that would bear out the assertions of these maps has so far been without success. Marco Polo, in the thirteenth century, as the result of his travels, certainly did advance the claims of the Chinese to the discovery of a Great South Land, and there is perhaps some justification for the statement, as we know that for centuries prior to the European advent that nation had established extensive trade relations with the islands of the East Indies. That the country mentioned was Australia is, however, out of the question. Marsden's\*\* explanation is probably the right one--that it refers to a portion of Cambodia, the products of which are gold, spices, and elephants.

(\*Footnote. Major, R.H, *Early Voyages to Terra Australis* pages 14 to 15.)

(\*\*Footnote. Marco Polo, *Travels*: translated by Marsden (Bohn's Library)  
Book 3 chapter 8 note.)

From the beginning of the sixteenth century, however, evidences of a more definite character are available. By this time the Portuguese and other navigators had found a way by sea round the Cape of Good Hope to the East Indies, and were opening up avenues of trade in all directions. This meant the continual passage of ships to and fro, and it is not unlikely that many ships on their way to Java or other islands of the East came within sight of portions of the western Australian coast.

A claim to the discovery of Australia has been made on behalf of Magalhaens or Magellan, a Portuguese,\* who sailed from San Lucar in 1519 by order of the Emperor

Charles V, on a voyage round the world which lasted until 1522, and during the course of which Magellan himself was killed. Descriptions of this voyage were published by Maximilianus and by Pigafetta in 1536, and the information contained therein was used by Fernando Vaz Dourado in his atlas made in 1570.\*\* In one of the maps in this atlas there is shown a coastline which is stated to have been discovered by Magellan in 1520 and which is claimed to be that part of Australia. This claim has been examined by Major and Dr. John Martin, and the result of that examination published by Major.\*\*\* Dr. Martin came to the conclusion that the coastline was not part of Australia, but was really part of New Guinea. He was strengthened in this belief by an old map of Mercator, upon which he found some names upon the coast of New Guinea similar to those upon Dourado's map. In Major's opinion the tract laid down as discovered by Magellan "is, in fact, a memorandum or cartographical side-note of the discovery by Magellan of Tierra del Fuego and, from its adopted false position on the vellum it was subsequently applied to New Guinea by Mercator."\*\*\*\* He admits that this surmise may possibly be incorrect, but considers that the only alternative is that the tract laid down is New Guinea and is clearly not Australia.

(\*Footnote. Ayala, A. compendio geographico estadistico de Portugal, Madrid 1855 page 482. Quoted by Major Early Voyages page 21. See also ibid page 22 to

(\*\*Footnote. Major, R.H. Early Voyages to Terra Australis page 21.)

(\*\*\*Footnote. Ibid pages 22 et seq.)

(\*\*\*\*Footnote. Ibid page 26.)

Further support to the Portuguese claim, though not to Magellan, was given by M. Barbie du Bocage in a paper read before the French Institute in 1807 concerning an atlas drawn at Dieppe in 1547 by Nicholas Vallard, an extract from which paper is given by Major.\* Having compared this atlas with other contemporary atlases, Barbie du Bocage came to the conclusion that all must have been copies from original Portuguese maps, and consequently that the discovery of the continent of New Holland belonged to the Portuguese. When, at a later date, Major considered the question of the discovery of Australia, six maps bearing upon the matter were known. Of these, four were in England and two in France.\*\* Upon these there is shown a large coastline to the south and south-east of Java, separated from that island by a narrow strait, and to which the name Java la Grande is applied. A portion of this coastline bears a distinct resemblance to the north-west coast of Western Australia. This forms presumptive evidence, as the maps are all sixteenth-century maps, that navigators of some nationality had come within sight of the mainland of Australia during the first half of the sixteenth century.

(\*Footnote. Ibid pages 35 to 45.)

(\*\*Footnote. Ibid pages 26 et seq.)

In many respects the maps are similar, and give evidence of having been derived from the same source. From the fact that although admittedly French they contained names that looked like gallicized Portuguese, Major argued,\* following Barbie du Bocage, that in all probability the original discovery was Portuguese because the Portuguese predominated at that time in those seas, and also because the French were not likely to have given Portuguese names to territories which they had themselves discovered.

These considerations led him to "regard it as highly probable that Australia was discovered by the Portuguese between the years 1511 and 1529, and almost to a demonstrable certainty that it was discovered by the Portuguese before the year 1542."\*\*

(\*Footnote. Major, Further facts relating to the Early Discovery of Australia page 6. Archaeologia volume 44.)

(\*\*Footnote. Major, Early Voyages to Terra Australis page 44.)

A seventh map, by Pierre Desceliers of Arques, dated 1550, which came into the possession of the British Museum in 1861, appeared to bear out this contention.\* Upon this map there is shown an island, occupying the position of the Abrolhos Group off the west coast of Australia. Mr. Delmar Morgan, in a paper on the discovery of Australia read at the Berne Congress of Geographical Sciences in 1891 and reprinted in the Proceedings of the New South Wales branch of the Royal Geographical Society of Australasia for 1892, referring more particularly to these islands, stated:

"The Portuguese navigator, Menezes, is commonly reported to have visited this part of the Australian coast in 1527, but it is most unlikely that he ever did so. Some authorities go so far as to declare that he actually charted these islands and reefs. They were charted, however, if not before, soon after his voyage, as they are marked on all these old Australian charts, although the word Abrolhos appears on Pierre Descelier's chart alone (1550). When the Dutch undertook their voyage to the East Indies by way of the Cape of Good Hope, in 1595, Frederick Houtman, although merely commercial chief of the expedition, assumed the title of Captain-General, and history falsely conferred on him the glory of having conducted the first Dutch expedition to the East Indies. In the same way his name was prefixed undeservedly to the Portuguese discovery on the western coast of Australia, but at what period it would be difficult to determine."

(\*Footnote. Major, Further Facts in the History of the Discovery of Australia page 3.)

There are two points about this statement which detract from its value as evidence of the Portuguese discovery. Menezes, during his voyage in the year 1526 or 1527, from Malacca to the Spice Islands, was carried by currents to the coast which has since been recognised as the north coast of New Guinea,\* but there is no allusion in any reference which we possess regarding this voyage to a discovery of a great southern land. Secondly, the name marked against these islands on Descelier's map is Arenes and not Abrolhos. Collingridge\*\* attempts to establish Arenes as a corruption of Abrolhos, which is a Portuguese term for rocky projections arising from the sea. This suggestion, which is scouted by Heeres,\*\*\* can scarcely be regarded seriously. It certainly does not in any way add to the merit of the Portuguese claim.

(\*Footnote. Major. Early Voyages to Terra Australis page 44.)

(\*\*Footnote. Collingridge Discovery of Australia page 192.)

(\*\*\*Footnote. Abel Janszoon Tasman's Journal by J.E. Heeres Amsterdam 1898. Life and Labours of Tasman page 97 note 1.)

The conclusion reached by Major was accepted by geographers and, as he says, "passed into history."\* It was upset by Major himself in 1873 after an examination of an engraved map of the world by Orontius Finaeus, dated 1531, which had recently come into the possession of the British Museum. In the light of this new discovery he reexamined the names on the six maps referred to and decided that they were in Provencal French and not in gallicized Portuguese. This led him to "the inevitable conclusion that Australia was discovered by Frenchmen, and chiefly by the men of Provence, in or before the year 1531."\*\*

(\*\*Footnote. Major. Supplementary Facts in the History of the Discovery of Australia page 15. Archaeologia volume 44.)

(\*\*\*Footnote. Major. Further Facts relating to the Early Discovery of Australia page 8. Archaeologia volume 44.)

On the whole, whilst the evidence points towards the acceptance of Major's conclusion that the French were the first discoverers, it is not sufficiently strong to enable it to be laid down as a fact. It does, however, seem to establish the point that something was known of the Australian coastline prior to what is regarded as the first authenticated discovery, which was made by the Duyfken in 1606. This contention is strengthened by the statement to be found in Cornelis Wytfliet's *Descriptionis Ptolemaicae Augmentum*, published in 1598:

"The Australis Terra is the most modern of all lands, and is separated from New Guinea by a narrow strait. Its shores are hitherto but little known, since after one voyage and another that route has been deserted, and seldom is the country visited except when sailors are driven there by storms. The Australis Terra begins at 2 or 3 degrees from the Equator, and is maintained by some to be of so great an extent that if it were thoroughly explored it would be regarded as a fifth part of the world."

The remainder of the sixteenth century was allowed to pass without any definite step being taken to increase the knowledge of the new country. That there were courageous spirits imbued with the thirst for discovery, who sought fame rather than the mere accumulation of wealth, is not to be doubted, but there is no record that Australia ever claimed their attention. The great majority of the adventurers, of whatever nationality, found more than sufficient occupation in exploiting the treasures of the Indies, and preferred rather to gather in the riches that were certain than undertake the search for those which were vague and chimerical. Those who were not content with the mild excitement of profitable trade found ample outlet for their buccaneering tendencies in looting one another.

Still, the spirit of discovery was not dead. The seventeenth century had scarcely opened when the tail was once more taken up, and resulted in the discovery of Cape York Peninsula by the Dutch vessel Duyfken about March 1606, followed by the discovery of Torres Straits and a portion of the mainland by Torres in a Spanish vessel, the *Almirante*, about August of the same year.\* From this time we may safely say that the existence of a southern continent was definitely known, although its coastline was still indefinite and unexplored.

(\*Footnote. Major. Early voyages to Terra Australis pages 74 to 75 and 80.)

Western Australia was, and indeed from its geographical position must have been, the first part of the continent to become actually known, lying as it does just off what was then the main trade route to the East. No better evidence can be found of this statement than a study of the map showing the prevailing winds. We notice that south of the Tropic of Capricorn the general direction of the wind is from the west, while just above the tropic we meet the south-east trades and monsoonal disturbances. Mariners but doubtfully acquainted with the seas in which they were sailing would have a tendency, after rounding the Cape of Good Hope, to go east as far as possible before bearing northward to Java and Timor, thus hoping to secure the benefit of the wind in both directions and to avoid, if they could, the area of disturbance. This would apply particularly to the Dutch, whose information of the route was first gained by the study of navigation and not by its actual practice; and it explains in great measure the frequency of Dutch names on the west coast of Australia. It is more than probable that the first knowledge of the new continent many of them had was when they felt it under their keels.

It is curious to note how great a part the struggle for the control of the East Indian trade played in the gradual determination of the coastline of the continent. Portuguese, Spanish, Dutch, English, and French in turn endeavoured to come from the commerce and resources of those regions of marvellous wealth, and from the possible discovery of the Abrolhos by Menezes in 1527 we have the same procession of nationalities in the progress of Australian discovery.

Early in the seventeenth century we find important changes taking place in the political conditions of Europe. The great naval strength of Spain, and the mighty influence consequent upon it, had made her, in the sixteenth century, the dominant power in the Low Countries, and a successful rival of Portugal in the trade of the world. With the new era, however, the glory of Spain was rapidly to wane, and the nation so long trodden under the Spanish heel was not only to become free but to challenge both her naval and commercial supremacy.

The long-striven-for and hardly-won independence of the Netherlands had roused all the strength and energy of the people, and the dogged determination that had ended Spanish oppression found continued opportunity in the desire to lift Holland to a proud position among the nations. The northern provinces were free, but Spain had for the time regained control of the southern, and had made her implacable hatred felt by repeated acts of cruelty, from which many of the inhabitants sought relief in flight. Among these were a number of Antwerp merchants who had for many years been indirectly connected with the trade to the Indies. The opposition of these men was strengthened by two of the most potent of human passions--the bitter hatred of exiles and the fanatic attachment to religious faith. They saw that Spain could best be crippled by curtailing her overseas trade or by depriving her of it altogether, and that in the result the southern provinces might be freed and the Protestant faith strengthened.

This, at first the idea of a few, gained general support when the Spaniards forbade Dutch traffic with Spain, which even during the wars had never altogether ceased. Geography, hydrography, and navigation became subjects of earnest study, and schools were formed with the express purpose of endeavouring to find a way to India and other Spanish possessions. The outcome of this movement was the foundation in



1602 of the Dutch East India Company, under whose flag many important voyages and discoveries were to be made.\*

(\*Footnote. Major. Early Voyages to Terra Australis pages 76 to 78.)

Of the Dutch voyages prior to this time no certain information is available. The English Ambassador at the Hague in the time of Charles II, Sir William Temple,\* gave it as his opinion that "a southern continent has long since been found out," which he said was "as long as Java and is marked on the maps by the name of New Holland, but to what extent the land extends, either to the south, the east, or the west, we do not know." To the same authority we are indebted for the declaration that the Dutch East India Company "have long since forbidden, and under the greatest penalties, any further attempts at discovering that continent, having already more trade than they can turn to account, and fearing some more populous nation of Europe might make great establishments of trade in some of these unknown regions, which might ruin or impair what they have already in the Indies."\*\* This statement has been vigorously denied by the Dutch, but the fact remains that of the voyages made by the Company little was known until the publication of the instructions issued by the Governor-General at Batavia to Tasman, on his second voyage in 1644. This curious document was found by Sir Joseph Banks in 1770 when turning over the old archives at Batavia, and was published by Sir Alexander Dalrymple in his Collections Concerning Papua. From it we learn that in 1606 the Duyfken made the first AUTHENTICATED discovery of that great land\*\*\* which at the instance of the famous navigator, Matthew Flinders, is now designated Australia. The Captain of this vessel, Willem Jansz, prepared a careful chart of the voyage, showing that he sailed along the coast of New Guinea, then went southward along the coast of Cape York Peninsula to Cape Keer-Weer (Turn again) but was prevented from landing even for water owing to the cruel and treacherous nature of the savages, who murdered some of the crew. The results of Torres' voyage not being known at the time, the captain considered that the whole coast traversed was a portion of New Guinea.

(\*Footnote. Temple, Sir W. Works, London 1720 volume 1 page 163.)

(\*\*Footnote. Ibid volume 1 page 163.)

(\*\*\*Footnote. Heeres. Part borne by the Dutch in the Discovery of Australia page 3.)

The second voyage, according to the Book of Dispatches, was that made in a yacht from Batavia by order of the Fiscal d'Edel in 1617. Of this, however, nothing certain is known, as the journals and remarks could not be found.\*

(\*Footnote. In the portion relating more particularly to the Dutch voyages, the author is chiefly indebted to the following authorities: a. Major, R.H. Early Voyages to Terra Australis. b. Heeres, J.E. Part borne by the Dutch in the Discovery of Australia, 1606 to 1675, London 1899. c. Historical introduction to the Official Year Book of Western Australia, 1902 to 1904. The last named was submitted to Dr. W.G.S. Byvanck, the Chief Librarian of the Royal Library at the Hague, who made various corrections which have been incorporated in the text. Dr. Byvanck's original letter is filed in the Registrar-General's Department of Western Australia. 530/97.)

No further attempts at discovery were made from Batavia until 1623, but in the meantime outward-bound ships touched at various portions of the coast in 1616, 1618, 1619, and 1622. Of these voyages but little information is now available. The most important of them all, from a romantic as well as from an historic point of view, is that of Dirk Hartog in 1616, commanding the ship Eendracht, of some 360 tons burden. Having entered the roads leading into Shark Bay (so named at a later period by Dampier) this navigator discovered and named Dirk Hartog Island. The large island at the entrance to the bay then, or subsequently, named Dorre Island was also discovered by him, as well as the portion of the mainland opposite which, if not then named, was certainly known as Eendrachts-Land as soon afterwards as 1618.\* On the north end of the island bearing his name Hartog left a tin plate as witness to his visit. This was nailed to a post and remained in position for nearly a century before being again seen by the eye of civilised man. It bore the following inscription:

"On the 25th of October, 1616, arrived here the ship Eendracht, of Amsterdam: The first merchant, Gilles Milbais van Luyck: captain, Dirk Hartog, of Amsterdam; the 27th ditto set sail for Bantam; under merchant, Jan Stins; upper steersman, Pieter Dockes, of Bil; A.D. 1616."

(\*Footnote. Heeres. Part borne by the Dutch in the Discovery of Australia page 8. Some doubt as to the authenticity of Dirk Hartog's voyage, based chiefly upon researches by Mr. George Collingridge, has been raised by the Reverend J. Bryant in the Scottish Geographical Magazine for March 1917 volume 33 pages 120 to 121. Mr. Collingridge's argument, however, scarcely seems to combat the evidence of Heeres (Part borne by the Dutch in the Discovery of Australia) or the fact that Eendrachtsland is marked on the chart of Gerritz made in 1627.)

To continue the history of this plate, it may be said that when Van Vlaming, captain of the Geelvinck (of whose voyage it will be necessary to speak later) visited the island in 1697--the first visit, so far as we know, after the erection of the plate--he took the original plate away to Batavia, replacing it by a new one, on which the old inscription was copied and the following new one added:

"On the 4th of February, 1697, arrived here the ship Geelvinck, of Amsterdam: Captain commandant, Wilhelm van Vlaming, of Vlielandt; assistant, Jan van Bremen, of Copenhagen; first pilot, Micheel Bloem Van Estight, of Bremen; the hooker Myptangh: Captain, Gerrit Collaert, of Amsterdam; assistant, Theodorus Heermans, of the same place; first pilot, Gerrit Gerritz, of Bremen. Sailed from here with our fleet on the 12th to explore the South Land and afterwards bound for Batavia."

(The above are translations of the original inscriptions. See Plates 1 and 2.)

Still another century later, in 1801, during the French voyage of discovery made by Baudin in the *Geographe* and *Naturaliste*, Van Vlaming's plate was seen. The two vessels became separated, and Captain Hamelin, of the *Naturaliste*, sent three men onto Dirk Hartog island for the purpose of signalling the other ship. The boatswain on his return from the island brought back the tin plate, which he had found on the north point half buried in the sand and close to an oaken post to which originally it seemed to have been attached. Hamelin copied the inscription and then replaced it in position

on a new post. He also placed on the north-east of the island a new plate giving the name of his ship and the date of arrival.\* The old plate remained for a while longer, but was not to be found when King\*\* made a careful search for it in 1822. It afterwards transpired that Freycinet had removed it in 1818 and had deposited it for safekeeping in the museum of the French Institute at Paris. This fact is recorded in the minutes of the Institute for 1821, but apparently the plate has been lost, as every effort since made to discover it has been futile.\*\*\* The same fate was believed to have befallen the original plate of Dirk Hartog, which had been carried to Batavia. Fortunately, however, it was found in 1902 in the State Museum at Amsterdam by Mr. F.F.L. de Balbian.\*\*\*\*

(\*Footnote. Peron. Voyage de decouvertes aux Terres Australes 1801 a 1804; Historique volume 1 pages 194 a 195.)

(\*\*Footnote. King, P.P. Narrative of a Survey of the Inter-tropical and Western Coasts of Australia 1818 to 1822 volume 2 page 180.)

(\*\*\*Footnote. See letter from Dr. A. Grandidier, Secretary of the Institute (filed in Registrar-General's Office, Western Australia.)

(\*\*\*\*Footnote. Western Australia Year Book 1902 to 1904 page 4.)

Reverting now to the historical narrative, it would appear that in July 1618 the outward-bound ship Mauritius\* made some discoveries on the west coast, more particularly of "Willem's River" (probably the Ashburton) near the North-West Cape. As the journals and remarks were lost, no further particulars of this voyage are available.

(\*Footnote. Heeres. Part borne by the Dutch in the Discovery of Australia pages x, 12 to 13.)

In the following year, 1619, a fleet of eleven vessels under the command of Frederick Houtman, in the Dordrecht, claims to have discovered a series of reefs lying off the west coast, to which the name Frederick Houtman's Abrolhos\* was given. These consist of a cluster of rocky islets with surrounding reefs, and are situated west and north-west of Champion Bay. It is very doubtful whether this was really the first discovery of these islands.\*\* It will be remembered that on at least one map of the sixteenth century they are vaguely defined, and the term Arenes given them. Major\*\*\* is of opinion that there is no evidence that Houtman ever visited the group at all, but that the islands were named after him, in 1619, by Jacob d'Edel, to whom their discovery was really due. This view, however, must give way before the researches of Professor Heeres,\*\*\*\* who prints two letters from Houtman, both dated Jacatra, 7 October 1619, the one to Prince Maurice and the other to the managers of the East India Company. In these he describes his visit to the islands. "On the 29th" (July) he writes, "deeming ourselves to be in open sea, we shaped our course north-by-east. At noon we were in 29 degrees 32 minutes southern latitude; at night, about three hours before daybreak, we again unexpectedly came upon a low-lying coast, a level country with reefs all round it. We saw no highland or mainland, so that this shoal is to be carefully avoided as very dangerous to ships that wish to touch at this coast. It is fully ten miles in length, lying in 28 degrees 46 minutes."

(\*Footnote. The term Abrolhos is a contraction of the Portuguese abri vossos olhos (keep your eyes open) a most necessary precaution, and a term applied by them to outlying coastal dangers.)

(\*\*Footnote. See supra.)

(\*\*\*Footnote. Major. Early Voyages to Terra Australis page 86.)

(\*\*\*\*Footnote. Heeres. Part borne by the Dutch in the Discovery of Australia pages 14 to 16.)

The supercargo of the Amsterdam, one of Houtman's fleet, was Jacob d'Edel, or Dedel, after whom the portion of the coast between Shark Bay and Champion Bay, then discovered, was named Edel Land. The letter forwarded by this supercargo from Jacatra to the managers of the East India Company, bearing the same date as Houtman's, has perhaps a peculiar interest for Western Australia, as it contains the suggestion, certainly the first, that the new land from its general appearance might prove to be gold-bearing. In it, inter alia, d'Edel writes, after describing his meeting with Houtman at the Cape and their journey together till they "came upon the south lands situated behind Java":

"We anchored in 14 fathom in 32 1/2 degrees latitude, the bottom being level and hard; in full sight of the land the sea was 100 fathom deep. We used our best endeavours to make a landing, which, however, could not conveniently be done owing to the steep coast...We then made all sail, and the wind coming round a little we stood out to sea, not deeming it advisable to continue longer inshore in this bad weather with such large heavy ships and such costly cargoes as we had entrusted to our care, and with great peril to lose more precious time; but being contented with having seen the land, which at a more favourable time may be further explored with more fitting vessels and smaller craft. We have seen no sign of inhabitants, nor did we always keep near the coast, since it formed large bays which would have taken up much time. Still, we kept seeing the coast from time to time until 27 degrees we came upon the land discovered by the ship Eendracht, which land in the said latitude showed as a red, muddy coast, WHICH, ACCORDING TO THE SURMISES OF SOME OF US, MIGHT NOT UNLIKELY PROVE TO BE GOLD-BEARING, A POINT WHICH MAY BE CLEARED UP IN TIME."\*

(\*Footnote. Heeres. Part borne by the Dutch in the Discovery of Australia page 16.)

The next voyage of interest was that of the Leeuwin in 1622. This vessel rounded the cape since known as Cape Leeuwin at the south-west corner of the continent, and continued along the coast as far east as King George's Sound. The name Leeuwin's Land was applied to the portion then examined, and on Gerritz' map it is said to consist of "dunes with trees and underwood at the top" and "lowland seemingly submerged by the tide."\*

(\*Footnote. Ibid page 17.)

On 5 July of the same year there arrived at Batavia a boat containing ten men, who formed part of the crew of an English ship, the Trial; this was followed some few days later by the pinnacle of the same ship with thirty-six men on board. The men stated that they had lost and abandoned their ship with ninety-seven men and the

cargo on some rocks in 20 degrees 10 minutes southern latitude and in the longitude of the western extremity of Java, that the ship ran on the rocks at night time in fine weather, and that they had met with the accident through following the course of Dutch ships.\* It is probable that while right as to latitude the sailors were considerably at fault in their longitude, as the rocks have since been identified as the south-west portion of Monte Bello Reef, which runs north and south to the north of Barrow Island. A Dutch yacht, the *Hasewint*, was instructed to search for the place, but for some reason it never made a start. The instructions given to the commander of the yacht are of a most interesting nature, and had the voyage been carried out in accordance with them, the history of Australia, or at least the western part of it, might have been entirely different. The captain received orders to give names fitting and worthy from a Dutch point of view to the places he should visit, and to take possession of them in the name of the United Provinces. That of course, had it been done, would have meant annexation by the Dutch of practically the whole of Western Australia, as the orders embraced the whole coastline south if necessary to 50 degrees southern latitude, and eastward as far as possible if the coast turned in that direction. From the standpoint of future British settlement it is perhaps fortunate that the voyage never took place. Apart from that phase of the question, however, the voyage would have been productive of great results, and a more or less definite knowledge of the possibilities of Western Australia would have been known to the world nearly two centuries earlier. The thoroughness with which the voyage was conceived and the advantages hoped to be gained may be gathered from the following extract from the instructions:\*\*

"The main object for which you are dispatched on this occasion is that from 45 or 50 degrees, or from the furthest point to which the land shall be found to extend southward within these latitudes, up to the northern-most extremity of the South Land, you will have to discover and survey all capes, forelands, bights, lands, islands, rocks, reefs, sandbanks, depths, shallows, roads, winds, currents, and all that appertains to the same, so as to be able to map out and duly mark everything in its true latitude, bearings, and conformation. You will, moreover, go ashore in various places and diligently examine the coast in order to ascertain whether or not it is inhabited, the nature of the land and the people, their towns and inhabited villages, the divisions of their kingdoms, their religion and policy, their wars, their rivers, the shape of their vessels, their fisheries, commodities, and manufactures, but specially to inform yourselves what minerals such as gold, silver, tin, lead, and copper, what precious stones, pearls, vegetables, animals, and fruits these lands yield and produce."

(\*Footnote. Heeres. Part borne by the Dutch in the Discovery of Australia page 18.)

(\*\*Footnote. Heeres. Part borne by the Dutch in the Discovery of Australia page 19.)

Farther on they were directed to inquire as carefully as possible into the question of whether the land would yield gold, as had previously been suggested, and also to endeavour to procure and bring back to Batavia some of the natives.\*

(\*Footnote. Heeres. Part borne by the Dutch in the Discovery of Australia page 21.)

The expedition failed to set out owing, it is said, to unforeseen causes,\* but the existence of the instructions is particularly valuable, giving as they do a complete and comprehensive statement of the Dutch colonial policy of the time. The principal end in view may have been, as was stated, that of discovery, but there is ample evidence that commercial interests were not lost sight of, nor were possible political results altogether overlooked.

(\*Footnote. Ibid page 21 note 1.)

The next mention we have of the new land was that made by the captain of the Wapen van Hoorn in the same year, 1622. This vessel had left Texel for the east in the previous December, and on arrival at her destination reported having been "in extreme peril near Eendracht Land."\*

(\*Footnote. Ibid page 15.)

The knowledge of the west coast was extended during 1623 by the Leyden and the Tortelduyff, both of which reported having sighted the South Land. In the same year Arnhem Land, including the present Northern Territory of the Commonwealth, was discovered by Jan Carstensz. During an attempt at exploration some members of the party were killed, and the expedition returned with the information that "in this discovery were found everywhere shallow water and barren coasts; islands altogether thinly populated by divers cruel, poor, and brutal natives, and of very little use to the Company."\*

(\*Footnote. Major. Early Voyages to Terra Australis page 45.)

Nothing further is known until 1627, when the Gulden Zeepaard, under the command of Francois Thyssen, sighted the south coast just beyond Cape Leeuwin and made an exhaustive examination of the coastline for about one thousand miles eastward, giving to the part explored the name of Nuyts Land,\* in honour of the chief passenger, Pieter Nuyts, who was afterwards Ambassador to Japan and subsequently Governor of Formosa. In Nuyts Land was embraced all that territory lying at the head of the Great Australian Bight.

(\*Footnote. Heeres. Part borne by the Dutch in the Discovery of Australia page 51.)

In the second half of the same year, on 22 July 1627, the Governor-General of the Dutch Indies sailed from Table Bay with the ships Galias, Utrecht, and Texel. All went well up to 10 August, when the rudder of the Galias broke, and the ship becoming unmanageable, the other vessels passed out of sight. Repairs being effected, the next day she proceeded on her course alone, and on 5 September came suddenly upon the Land of Eendracht, which by the reckoning of the chart should have been nearly 350 miles farther east. The Governor's experience on this voyage and his nearness to shipwreck led him to request the Company to give particular attention to correcting the miscalculations in the chart--a work that seems to have been very urgently required. Accuracy of observation and charting was therefore enjoined upon succeeding captains, with a result beneficial alike to navigation and geography.\* Towards the end of 1627 the Wapen van Hoorn, which had been in peril

near the coast of Eendracht Land in 1622, again sighted the same portion of the coast, although, according to the chart, the land should have been in quite a different direction. This fact led to observations being taken which helped to make the chart more correct.\*\*

(\*Footnote. Ibid page 52.)

(\*\*Footnote. Ibid page 53.)

Early in the following year Captain de Witt in the Vianen, homeward bound, touched the shore on the north-west coast in the neighbourhood of the present town of Roebourne, and after making a cursory examination for some fifty miles gave it the name of De Witt Land.\*

(\*Footnote. Ibid pages xi, 54.)

The same year, 1628, was also to witness the commencement of one of the most important and exciting voyages made to the new land. On the whole, the history of early Australian discovery is a calm and quiet story, without trace of adventure, recording nothing of an eventful nature beyond the sighting and superficial examination of stretches of isolated and uninteresting coast. But there are some exceptions, and perhaps the greatest of these is the tragic voyage of the Batavia, whose passengers and crew formed the first white settlers on Australian soil, albeit involuntarily, and for many of them with dire results.

The relation of this voyage, probably compiled from Pelsart's Journal, was first published in Dutch at Amsterdam in 1647, and was repeatedly republished during the succeeding few years. It was used by Thevenot in 1663 in compiling a French version for his *Receuil de divers voyages curieux*, and all English accounts were merely abridgements of this until 1897, when Mr. W. Siebenhaar, of Perth, undertook a complete translation of the Dutch account. The description of the voyage is taken from that document.\* Pelsart's Journal was recently published by Professor Heeres, but the fact and particulars of the shipwreck were omitted as being already sufficiently known.

(\*Footnote. This was printed in the Western Mail (Perth) Christmas Number 1897.)

In 1628 General Pieter Carpentier returned safely from the East Indies with five richly-laden merchant ships, and this, combined with the fact that the Government had recently succeeded in releasing three ships from an embargo laid upon them by the English a year previously, led the authorities to determine to send another fleet of eleven ships to the East, with which General Jacob Specks was to sail. Two ships and a yacht being soon ready to sail, the senate sent them to Texel so as to lose no time. These vessels were the Batavia (under Francois Pelsart) the Dordrecht (under Isaac van Swaenswyck) and the Assendelft (under Cornelis Vlack). They left Texel for their destination on 28 October 1628. With the details of the first part of the voyage we need not concern ourselves. Nothing out of the ordinary happened except that the ships became separated, which was so usual an occurrence as to cause little excitement. The Batavia continued her course alone, and on Whit-Monday, 4 June 1629, reached southern latitude 28 degrees 28 1/3 minutes, about nine miles from the

mainland. Here the ship was amongst the perilous banks of the Abrolhos, and shortly before sunrise she struck the reef. The usual trials and tribulations attendant upon shipwrecks occurred, intensified by the drunkenness and lawlessness of the soldiers and sailors, but eventually the whole company was landed on two small islands situated about three leagues from the ship. After considerable difficulty, provisions and merchandise, including treasure, were landed, but it was impossible to secure sufficient water. The forty people on the smaller island had only eighty cans, and the 180 refugees on the larger had even less, so that from the beginning the scarcity of water had to be faced. On this account a great deal of dissatisfaction arose, particularly as there was no water to be found on the islands, and very little hope of securing any until rain came, or unless the ship went to pieces and some of the barrels were to float to the islands. Some of the crew desired to take the boat and search the other islands and the mainland, but Pelsart was not at first favourable to this idea, feeling that he was responsible for the safety of both the people and the merchandise. Ultimately after much pressure he yielded, and it was decided that they should try the mainland for water, and if they found none to continue the voyage to Batavia to seek assistance for those left on the islands.

Before carrying this resolution into effect, the commodore (Pelsart) wished to sail across to the other island to acquaint the people there was the decision arrived at. The crew at first objected to this, but at length were induced to start. When nearing the other shore, however, they renewed their objections and definitely refused to land, evidently afraid of some untoward result. Pelsart was therefore compelled to return to the first island. The next morning, in company with some others, he set out early, after leaving a note of their intentions, to search for water. For three days they sought among the islands, but without success. Such fresh water as there was in the rocky holes of the islands round about had been spoilt by seawater during the storm. Then, on 9 June, they steered for the mainland, but were not able to land owing to the roughness of the coast and the persistence of the storm. Many efforts were made to effect a landing, but without avail, "for the breakers were too strong and the coast too steep and jagged, without any foreland or inlet, as is usually found on other coasts, so that it seemed to them a bare and cursed country, devoid of green or grass." The current bore them farther to the northward than they desired, and on the 14th, on approaching the coast, they observed a good deal of smoke, and endeavoured to run in, hoping to find men and water. To land being impracticable on account of the breakers, six men determined to swim for the shore, and all succeeded in reaching it. A day's search left them exhausted and unsuccessful. In the evening "they happened upon four people, who were creeping toward them on their hands and feet." These fled upon the approach of the sailors, who on their return to the boat described them as "black savages, quite naked, leaving themselves uncovered like animals." The next day they were fortunately able to land, and managed to collect about twenty gallons of water. They next resolved to go farther inland in the hope of securing more in the mountains, but the search was vain, as there was no appearance of water, "for behind the mountain chain the country was flat again, bearing neither trees nor vegetation nor grass, and being everywhere covered with high anthills built of earth, which in the distance were not unlike Indian huts. There were also such multitudes of flies that one could not keep them out of one's eyes." They next saw eight black people, each carrying a stick in his hand. These approached them to a musket shot's distance, but "when they saw our people coming toward them they took to their heels and would neither speak nor stop."



Oppressed by a sense of his own danger and fearing for the safety of those left on the islands, Pelsart followed the coastline in the hope of reaching the river of Jacob Remmessens,\* which according to his charts was close at hand. North-easterly winds prevented him from reaching it, and finally he determined to try to make Batavia for assistance. This difficult task he accomplished and after sighting Java on 27 June, reached Batavia on 5 July. The next day he made his appearance before the Court, and having informed the Governor-General and Council of his misfortunes, requested speedy help to save the shipwrecked people, and to secure as much as possible of the merchandise. In a few days the frigate Sardam was assigned to him, and after manning and victualling her he left on his return to the Abrolhos on the 15th of the month.

(\*Footnote. No definite date can be assigned to the discovery of this river. As Heeres points out, it must have been known before 1628 or 1629 as it is mentioned by Pelsart, but could not have been much earlier as the name is not found on Gerritz' charts of 1618 and 1627. Modern maps show no river of any size at that point. It is possible that Exmouth Gulf was mistaken for the mouth of a river. J.S.B.)

In the meantime, however, there was great trouble among those left behind on the islands. After the shipwreck the supercargo, Jerome Cornelisz, with several accomplices, had formed the intention of refloating the ship and using her for piracy, a trade which in those days was far from being unremunerative. To this end they remained on the vessel for some ten days, until, in fact, she began to fall to pieces, and they had considerable difficulty in gaining the shore. Cornelisz then, as supercargo, took command of the company, which at that time was spread over three islands. This distribution on three islands rose from the fact that a few days previously some of the men, in charge of a soldier, Webbye Hays, had gone off to a third in search of water.

Realising that the Batavia could not now be used for their purpose, Cornelisz and his associates determined upon the murder of all those opposed to their schemes, and upon the seizure of the yacht in which they expected Pelsart to return from Batavia. Selecting those upon whom he could depend, a contract was made out to which they agreed. The wording of this bond, really an agreement to commit wholesale murder, is so curious that it may be interesting to insert it in full:

"We, the undersigned, in order to take away all distrust that exists or might exist amongst us, bind ourselves herewith, ON THE SALVATION OF OUR SOULS, AND ON THE SOLEMN OATH THAT GOD SHALL TRULY HELP US TO BE TRUE TO EACH OTHER IN EVERYTHING AND TO LOVE EACH OTHER AS BROTHERS; also promising not to do each other any injury whatsoever in person or possession without first verbally declaring to each other the breach of the peace, in knowledge thereof we have signed this contract on the 12th July, 1629, on the island Bataviae's Kerkhof."

The signatures followed. They then proceeded to murder all those on the island with the exception of thirty men and four boys, so that the name of the island as set down in the contract--Batavia's graveyard--was both sinister and significant.

Meanwhile, Webbye Hays and party, who were away looking for water, were after twenty days successful in finding it, and made three fires as a signal. As this happened to be on the day of the general murder, Cornelisz and his friends were probably too busy to notice them. Some who escaped the carnage managed to get across to Hays on rafts and take him the dreadful news. Having with these reinforcements some forty-five men under him, he resolved to place himself in a position of defence from attack. Those on the remaining island, either not being aware of what had transpired or being too weak to defend themselves, were attacked by a party of Cornelisz' ruffians, and all but seven boys and six women were murdered. The chests of merchandise were then opened, and the worthy band attired themselves gaudily in scarlet cloth, with gold and silver embroidery.

The ringleader, however, recognised that there could be no safety for him until Webbye Hays and party were put out of the way. Consequently, having assumed the title and authority of Captain-General, he sent an expedition of twenty-two armed men against them. These were successfully repulsed by the practically defenceless band. Cornelisz then had recourse to strategy, and by letter secretly offered some of the men large rewards in return for treachery. These letters were shown to Hays, and a trap was accordingly laid. Cornelisz was induced to come to the island to settle the terms, and on arrival he himself was taken prisoner and some of his men killed.

At this stage, 13 September, the *Sardam* with Pelsart arrived at the Abrolhos, the commodore being pleased to find from the presence of smoke that some at least of his people were still alive. Before he could land, Webbye Hays and three others came on board and gave him an account of the whole tragedy, further informing him that the ruffians were already on their way to surprise and seize the ship. These, when they arrived, were captured, a fate which also quickly befell the remainder of the band. An examination into all the circumstances was then and there made, and as carrying the miscreants back to Batavia would have meant crowding the frigate too much, Cornelisz and those closely associated with him were put to death on Seal Island, after being subjected to the refinements of what one almost feels compelled to admit was well-merited torture. Among them they had murdered no fewer than 125 innocent people. The frigate then returned to Batavia, stopping her course to maroon two of the conspirators on the coast near Champion Bay. These two men were the first white inhabitants of the continent so far as is known. It is curious that the first white settlement in Australia also consisted of persons largely of the same class.\*

(\*Footnote. The instructions issued to the commanders of the yachts *Klein Amsterdam* and *Wesel*, which were sent out in 1636 for further investigation of the north coast of Australia, contained the direction to grant a passage home to the two Dutch criminals put ashore on the west coast by Pelsart. See Heeres, *Part borne by the Dutch in the Discovery of Australia* page 66.)

During the years following, particularly in 1629, 1632, and 1635, various places on the west coast were either touched at or sighted by Dutch ships, but these did not contribute anything new in the way of information.\* The next important voyage was that of Abel Janszoon Tasman (who had discovered Van Diemen's Land in 1642) and Franz Visscher, with the yachts *Limmen*, *Zeemeeuw*, and *De Brak*. It was for this voyage, which took place in 1644, that the Dutch Book of Dispatches, previously referred to, and from which much of our knowledge of the voyages of the Dutch East

India Company is derived, was compiled. The object of the expedition was to explore the north-west and north coasts of the new continent, and to proceed eastward to determine whether New Guinea was a separate island or part of the mainland. Tasman's Journal of this voyage had unfortunately been lost, so that such information as we possess about the voyage is rather meagre, and is taken from a work published in 1705 by Burgomaster Witsen, who quotes Tasman as the authority for his statements. These refer chiefly to the natives, who are described as "possessing rude canoes made of the bark of trees, but no houses; to live poorly, go naked, and eat yams and other roots."\*\*

(\*Footnote. Heeres. Part borne by the Dutch in the Discovery of Australia page 62.)

(\*\*Footnote. Major. Early Voyages to Terra Australis page 98.)

From the map published by Thevenot in 1663, which it is said was forged taken from that done in inlaid work on the pavement of the new Stadt Haus in Amsterdam, we may get a fair idea of his route. He certainly did not ascertain whether New Guinea was separated from the mainland,\* but he examined the northern coastline from Arnhem Land to Exmouth Gulf, taking in De Witt Land and part of Eendracht Land, and embracing the districts now known as the Kimberleys and the North-West. He also appears to have landed in what we call Carnot and Roebuck Bays. To him we owe the name New Holland, which was applied by the Dutch only to the western portion of the continent, the coastline of which had been fairly accurately determined. The part to the east, which was still thought to be connected with New Guinea, continued to be called South Land.\*\*

(\*Footnote. Tasman, Abel Janszoon. Journal edited by Heeres Amsterdam 1898 page 117.)

(\*\*Footnote. Ibid page 118 and Chart Number 1; also Heeres, Part borne by the Dutch in the Discovery of Australia page 12.)

From this time to the end of the century the interest of the Dutch in coastal exploration seems to have flagged. The sterile nature of the country promised but little in the way of wealth, and though the territory was still included in the lands of the Dutch East India Company, it was left undisturbed to the occupation of the savages. An exploratory voyage was made by the Leeuwerik in 1648, and in 1649 the Vergulde Draeck, laden with rich merchandise and money, was wrecked in latitude 30 degrees 40 minutes and 118 lives were lost. In the hope of securing assistance, seven of the survivors managed to reach Batavia, leaving sixty-eight behind them to protect the cargo and treasure. Relief ships were dispatched in 1657 and 1658, but many of these met with disaster of one kind or another, and all returned from the search unsuccessful. The first of these vessels, the Witte Valck and Goede Hoop, sailed down the coast for some distance, but returned after losing a boat and eleven men. The Vinck, from the Cape to Batavia, was instructed to search, but also failed. The Waeckende Boey and the Emeloort visited the mainland in 1658 on the same mission, but with abortive results.\* The first of these vessels foolishly abandoned a boat and fourteen men during bad weather, and only four of them got back to Batavia, the remainder succumbing to incredible suffering and privation. In the same year the Elburg joined in the search with the same negative result. Many of these ships observed wreckage of various kinds floating about, which evidently came from the

Vergulde Draeck, but nothing was ever heard of the unfortunate castaways. There was, however, some result from the attempts in improved charts of the coastline.\*\*

(\*Footnote. Rottnest Island was discovered during this voyage of the Waeckende Boey (see Heeres page 79) but was not named.)

(\*\*Footnote. Major. Early Voyages to Terra Australis pages 105 to 106; Heeres. Part borne by the Dutch in the Discovery of Australia pages xii, 73 to 76 and 81.)

Some twenty years later the Vliegende Swaan\* coasted the north-west of the continent on her voyage from Ternate to Batavia.

(\*Footnote. Ibid page 82.)

## CHAPTER 2.

### DISCOVERY OF AND EARLY VOYAGES TO AUSTRALIA (CONTINUED).

Up to the end of the seventeenth century English maritime enterprise in the Pacific Ocean and Southern Seas had been almost a negligible quantity, confined chiefly to occasional voyages of adventure; and any English interest in, or even knowledge of, the new South Land could scarcely be said to exist. Curiously enough, that English interest was in the first place stimulated by one who at that period of his life was in every respect a buccaneer--William Dampier. But pirate though he practically was, he had some of the qualities of a hero, and he possessed that faculty for accurate observation that made his remarks and opinions on places visited of special value to his country.

Born in 1652 of a respectable family in Somerset, Dampier as a young man gained some experience of the sea both in the merchant service and in the navy. In 1674 he went to Jamaica to assist in the management of a plantation, but the life was so devoid of adventure that in the following year he went back to sea. In 1697 he joined the buccaneers and made various expeditions in the Pacific with the avowed object of plundering the Spanish settlements. Some four years later he took service with one Cook on a cruise round the world. Finding that the vessel was too small for the purpose, they ran along the coast of Africa in the hope of meeting a more suitable craft. At Sierra Leone they fell in with a Dutch ship carrying thirty-six guns, and without qualms of conscience forcibly took possession of her and ran out to sea.\* Dampier's narrative says nothing of this, but would lead us to believe that the voyage was one of discovery only, instead of being, as it really was, one of piracy. Cook died in 1684, and Davis, who took his place, joined forces with a Captain Swan of the Cygnet, and for twelve months they scoured the South American coast in company. After that they parted, as Swan wished to try the Mexican coast and then go across the Pacific towards the East Indies. With him went Dampier, filled, according to his narrative, with a desire for discovery. Reaching the Philippine Islands in June 1686, they remained there until early in the following year, when dissatisfaction became rife among the crew, owing partly to the prolonged inactivity and partly to the methods of Captain Swan. In the end Captain Teat, the chief mate, with a number of the crew, amongst whom were the surgeon and Dampier, sailed away with the ship, leaving Swan and about thirty-six men stranded on Mindanao.\*\* After a course of piracy in the China Seas and the East Indian Archipelago, they decided to turn to the south, intending to touch at New Holland in order to "to see what that country would afford us."\*\*\*

(\*\*Footnote. Dictionary of National Biography sub nomen Dampier.)

(\*\*Footnote. Dampier. New voyage round the World third edition London 1698 pages 372 to 374.)

(\*\*\*Footnote. Ibid page 461.)

The landing took place in the north-west corner of King Sound, at the spot now known as Cygnet Bay. Here the ship was beached for cleaning and repairs, and it is curious that apparently by accident the captain found the one place on the whole

north-west coast suitable for that purpose. During the stay there, lasting until 12 March, Dampier appears to have found the society of his fellow-buccaneers uncongenial, and to have occupied his time in making a careful exploration of the surrounding country.

"New Holland," he tells us, "is a very large tract of land. It is not yet determined whether it is an island or a main continent; but I am certain that it joins neither to Asia, Africa, nor America. The part of it that we saw is all low, even land, with sandy banks against the sea; only the points are rocky, and so are some of the islands in this bay."\*

(\*Footnote. Ibid page 463.)

Dampier's observations on the country and the natives are singularly correct, and have a particular value as giving the first definite and accurate information known concerning any portion of this vast continent.

The soil he describes as dry and sandy,

"destitute of water, except you make wells; yet producing divers sorts of trees. But the woods are not thick nor the trees very big. Most of the trees we saw are dragon-trees, as we supposed, and these, too, are the largest trees of any there. They are about the bigness of our large apple trees...and the rind is blackish and somewhat rough...The other sorts of trees were not known to any of us. There was pretty long grass growing under the trees, but it was very thin. We saw no trees that bore fruit or berries."\*

(\*Footnote. Dampier. New voyage round the World third edition London 1698 page 463.)

Of the natives, whom he must have observed with very great care, he writes:\*

"The inhabitants of this country are the miserablest people in the world. The Hodmadods of Monomatapa, though a nasty people, yet for wealth are gentlemen to these, who have no houses and skin garments, sheep, poultry, and fruits of the earth, ostrich eggs, etc., as the Hodmadods have; and setting aside their human shape, they differ little from brutes. They are tall, straight-bodied, and thin, with small long limbs. They have great heads, round foreheads, and great brows. Their eyelids are always half-closed to keep the flies out of their eyes, they being so troublesome here that no fanning will keep them off...They have great bottle noses, pretty full lips, and wide mouths. The two fore teeth of their upper jaw are wanting in all of them, men and women, old and young. They are long-visaged...Their hair is black, short, and curled.

"They have no sort of clothes, but a piece of the rind of a tree tied like a girdle about their waists, and a handful of long grass, or three or four small green boughs full of leaves, thrust under their girdle to cover their nakedness.

"They have no houses, but lie in the open air without any covering, the earth being their bed and the heaven their canopy...They do live in companies, twenty or thirty men, women, and children together. Their only food is a small sort of fish which they get by making weirs of stones across little coves or branches of the sea, every tide

bringing in the small fish, and there leaves them a prey to these people, who constantly attend there to search for them at low water...There is neither herb, root, pulse, nor any sort of grain for them to eat that we saw, nor any sort of bird or beast that they can catch, having no instruments wherewithal to do so.

"I did not perceive that they did worship anything. These poor creatures have a sort of weapon to defend their ware or fight with their enemies, if they have any that will interfere with their poor fisheries...Some of them had wooden swords; others had a sort of lance. The sword is a piece of wood shaped somewhat like a cutlass. The lance is a long straight pole, sharp at one end and hardened afterwards by heat. I saw no iron nor any other sort of metal."

(\*Footnote. Dampier. New Voyage round the World third edition London 1698 pages 464 to 466.)

After leaving Cygnet Bay, Dampier desired to proceed on a voyage to England, but this did not meet with the approval of his companions. A quarrel occurred, and in the result he, with two others, was put ashore on the Nicobar Islands.\* Here they suffered many trials and privations, but ultimately succeeded in getting away, and in 1691 Dampier arrived back in England after an absence of nearly nine years.

(\*\*Footnote. Dampier. New Voyage round the World third edition London 1698 pages 482 to 483.)

Some years passed without incident until the Dutch became anxious about the fate of a missing ship, the Ridderschap van Holland, and in 1696 Willem van Vlaming was instructed by the East India Company to proceed with the Geelvinck and two other vessels to examine carefully the South Land or the Land of Eendracht and also to inquire into the fate of the Ridderschap van Holland, which had left the Cape for Batavia in 1694.\* On Christmas Day, 1696, they sighted land, and on 29 December anchored off the shore of a large island, upon which they landed on the following day. On exploring it they were struck with the large number of rats' (wallabies) nests to be seen, and gave it the name of Rottenest Island. Some pieces of wreckage were discovered, but there was nothing by which they could identify the vessel they were endeavouring to trace. From the higher parts they could see the mainland distinctly, and from the smoke rising here and there from among the trees they gathered that natives were present. On 5 January 1697, Vlaming with eighty-six well-armed men landed on the shore somewhere in the neighbourhood of Cottesloe Beach, and going eastward came upon what they described as "a large basin of brackish water." On the banks of this they met with traces of natives in the shape of footprints, a fire still burning, and a hut that would have disgraced a Hottentot, but the aborigines themselves were not to be seen. They camped near the fire, and on the following day separated into three parties for exploratory purposes and went off in different directions. They met again at night having made no discovery of any importance beyond proving that the "basin of brackish water" was really a river. On the 9th they brought the ships in and anchored just off the mouth of the river, which Vlaming and a party explored on the following days for a distance of some fourteen or sixteen leagues. They were rewarded by the discovery of numbers of that hitherto unknown prodigy of Nature, the fabulous black swan mentioned by Juvenal. Several specimens were examined, and three were taken alive to Batavia. From the presence of these

birds Vlaming named his discovery the Black Swan River. However, having, according to the narrative, "found neither good country nor seen anything worthy of note," Vlaming continued his voyage northward, examining the shore carefully for traces of the lost ship, and occasionally landing to make some exploration of the coast. On 4 February they reached Shark Bay, and on Dirk Hartog Island found the plate previously referred to. This they took away, leaving another in its place. Resuming the voyage they reached the North-West Cape, and on the 21st of the month set the course direct for Batavia, after firing guns "as a signal of farewell to the miserable South Land."\*\* To Vlaming thus belongs the discovery of the Swan River, the most important so far of all the discoveries on the mainland.

(\*Footnote. Heeres. Part borne by the Dutch in the Discovery of Australia page 83 note 1. Also Major. Early Voyages to Terra Australis page 107.)

(\*\*Footnote. Major. Early Voyages to Terra Australis pages 120 to 133 extract from Vlaming's Journal. Vlaming's Journal was not printed by Heeres because it had already been printed in 1701 and a translation was included in Major's Early Voyages to Terra Australis.)

Meanwhile Dampier had not been idle. For some years after his arrival in England he was engaged in preparing a record of his voyage and adventures from 1683 to 1691. This was published in 1698 as *A New Voyage Round the World*. From it the English gained their first accurate knowledge of these new South Lands. At this time the Government had decided to fit out a ship for an exploratory voyage round the world, and Dampier was recommended for the command. He was accordingly directed to draw up proposals for such a purpose, and suggested that as little was known of the Terra Australis an examination of that territory should be included. The suggestions were approved, and Dampier was appointed to the command in 1698.\*

(\*Footnote. Dictionary of National Biography volume 14 page 4.)

Dampier left England in the *Roebuck* on 14 January 1699, and after touching at the Canary and Cape Verde Islands directed his course to Bahia in Brazil. From that port he made a long sweep round the Cape of Good Hope towards the west coast of Australia.\* His first intention was to proceed westward through the Straits of Magellan or round Tierra del Fuego, in order to begin his discoveries upon the eastern and least-known side of the Terra Australis. He found, however, that it was not possible to go that way, as owing to the time of the year in which he left England he would have been compassing South America in a very high latitude in the depth of winter.\*\* He therefore went eastward round the Cape. The same reason, the fear of severe winter weather, made him decide to go northwards along the coast of New Holland instead of southward.\*\*\* It is interesting to note that if Dampier had adhered to his original intention it is more than probable that he would have had the credit of discovering the eastern coast of Australia.

(\*Footnote. Dampier. *Voyage to New Holland in 1699* London 1703 pages 2 et seq.)

(\*\*Footnote. Dampier. *Continuation of a Voyage to New Holland in 1699* London 1729 page 124.)

(\*\*\*Footnote. *Ibid* page 125.)



On 1 August Dampier sighted land, and on the 5th anchored in the bay to which, owing to the prevalence of sharks, he gave the name Shark's Bay (now known as Shark Bay).<sup>\*</sup> Some eight days were spent in making trips to the mainland in search of water, but without result. During this time he surveyed a portion of the Bay and collected a good deal of valuable information about the coastal country, as well as interesting data concerning the fauna and flora. He tells us that the land was gently undulating, with stretches of sand along the seaboard, changing to a reddish soil of sandy nature farther inland. Upon this grew plants, grass, and shrubs, but no trees above ten feet in height. Of the tree blossoms blue was the predominating colour, and small and beautiful flowers of various hues, different from anything he had previously seen, abounded everywhere.<sup>\*\*</sup> The only large birds were some eagles, cormorants, pelicans, gulls, and ducks. The land animals were few in number, consisting in the main of kangaroos and lizards. The kangaroos were new to natural history, and Dampier's description of them is the first known. "The land animals," he writes, "were only a sort of raccoons, different from those of the West Indies, chiefly as to their legs; for these have very short forelegs, but go jumping upon them as the others do, and, like them, are very good meat."<sup>\*\*\*</sup> The only other animals he saw were large lizards (or guanos, as he terms them) against which, as food, the sensitive stomach of a buccaneer appears to have rebelled.

(\*Footnote. Dampier. Voyage to New Holland in 1699 London 1703 page 124.)

(\*\*Footnote. Dampier. Voyage to New Holland in 1699 pages 121 and 122.)

(\*\*\*Footnote. Ibid pages 122 to 123.)

Water not being available, he decided on the 14th to continue his voyage north, keeping as close to the shore as he could in the hope of finding more fertile country and an abundant supply of water.<sup>\*</sup> From time to time he sent the boats ashore for supplies, but only once did he obtain sufficient to replenish the casks. On the 21st he reached some islands, now called Dampier Archipelago, situated off the present town of Cossack, and on the 31st again landed some 150 miles south of his former anchorage in Cygnet Bay. Here he had a small brush with some natives, in the course of which a sailor was speared and a native shot.

(\*Footnote. Ibid page 129.)

Being still greatly concerned about the shortage of water, and disgusted with the sterile nature of the land, Dampier felt compelled to abandon any further exploration of the coast.<sup>\*</sup> In accordance with this resolution he set sail early in September for Timor and New Guinea. On the voyage home the Roebuck was wrecked on the island of Ascension, but the navigator succeeded in reaching England, and in 1703 published an account of his voyage.

(\*Footnote. Ibid page 154.)

His observations with regard to the coast and the information he brought back concerning the country and its inhabitants have been proved to be remarkably reliable, and may be regarded as some compensation for his failure to achieve fully the actual objects of his mission. Whether the new land was a succession of islands or

a continent was a question yet to be solved, and the passage between New Guinea and Australia was still unknown.

His unfavourable reports about the land and his opinion of its wretched inhabitants, whom he described as "the miserablest people in the world,"\* did not give any encouragement to the Government to pursue its investigations. Consequently we hear of no further voyages under the English flag until 1770, when Captain Cook discovered and took possession of the more fertile country on the east coast.

(\*Footnote. Dampier. *New Voyage round the World* London 1698 page 464.)

A remark made by Dampier when seeking a passage among the islands of the archipelago that bears his name, that "among so many islands we might have found some sort of rich mineral or ambergris,"\* has given rise to a curious inaccuracy in many official and other publications concerning the gold discoveries of Western Australia. It is stated that Dampier, a DUTCH buccaneer, discovered gold on the north-west coast in 1688, and that on account of this discovery the Dutch charts of the region were marked *Provincia aurifera*.\*\* Though the region is so marked on some of the sixteenth-century charts, it is really the result of a geographical blunder, due to a misreading of part of Marco Polo's *De regionibus orientalibus*. This actually refers to Lower Siam, but was ignorantly transferred by early geographers to an imaginary great southern continent.\*\*\* Dampier was not Dutch. Neither does he make any mention in his narrative of a discovery of gold. Had he done so it is scarcely probable that English interest in the new country would have ceased after his report.

(\*Footnote. Dampier. *Voyage to New Holland* in 1699, London 1703 page 138.)

(\*\*Footnote. *Western Australian Year Book* (official) 1902 to 1904 page 10. The statement is made in *Western Australia* in 1891 by F. Hart page 42.)

(\*\*\*Footnote. Letter from Mr. C.H. Cook, Department of Maps and Drawings, British Museum, to the Registrar-General of Western Australia--quoted in *Year Book* previously mentioned.)

In 1718 one Hans Purry of Neufchatel, published a work in which he proposed the establishment of a Dutch colonial settlement in the south-west corner near Cape Leeuwin. This idea was submitted to the authorities of the East India Company at Batavia and Amsterdam, and being declined by them was unsuccessfully urged upon the West India Company.\* The inducements offered were not commensurate with the expense, and the frugal Dutch mind was not prepared to spend money on something that offered little or no prospect of return.

(\*Footnote. Major. *Early Voyages to Terra Australis* page 115.)

Probably owing to the unpromising reports brought back by navigators, Dutch interest may from this time be said to have ceased, though, as the century progressed, Dutch vessels either sighted or touched at isolated portions of the coast, and some had the misfortune to be wrecked there. In 1711 the *Zuytdorp*\* was supposed to have struck somewhere on the Abrolhos, that area of extreme danger to early navigators, and in 1727 the *Zeewyck* came to grief on a reef in the same Group.\*\* Of this vessel

numerous relics have from time to time been found by various explorers and others, and they now form an interesting exhibit in the Western Australian Museum.

(\*Footnote. Western Australian Year Book 1902 to 1904 page 11.)

(\*\*Footnote. Heeres. Part borne by the Dutch in the Discovery of Australia page 91.)

In 1755 and 1765 casual Dutch visits were recorded, but they were without incident.\*

(\*Footnote. Ibid page 91.)

Almost coincidentally with the cessation of Dutch enterprise France became active in the Southern Seas. Thenceforward, up to the time of the actual annexation and settlement of Western Australia by Great Britain, the competing nations in these waters, as in so many parts of the world, were the English and the French.

The first French ship to touch at any portion of the Australian coast was Le Gros Ventre in March 1772, under the command of Captain de St. Alouarn,\* in whose honour the St. Alouarn Islands were named at a later date by D'Entrecasteaux.\*\*

(\*Footnote. Western Australian Year Book 1902 to 1904 page 11. Note. Doubts have been expressed as to the authenticity of St. Alouarn's voyage in Australian waters. It is included here on the authority of Dr. A. Grandidier, Secretary of the French Institute, who revised the portion relating to the French voyages of discovery which was included in the historical section of the Year Book. See also Proceedings of the Royal Society of Tasmania 1921 pages 152 to 153.)

(\*\*Footnote. D'Entrecasteaux. Voyage redige par Rossel Paris 1808 volume 1 page 177.)

For some years after this there is no record of any navigator visiting the western shores. The discoveries of Cook in 1770, and his favourable reports on the fertile nature of the country, had turned attention to the eastern side of the continent, and whatever efforts were made in the way of exploration were directed toward that part.

In 1789 the British Government decided to send out an exploring expedition to the South Seas with the object of adding to the knowledge gained by Captain Cook. Captain Henry Roberts was placed in charge of the proposed expedition, with Lieutenant George Vancouver as second in command.\* Both these officers had served under Captain Cook. A vessel then being built was purchased, named the Discovery, and fitted out under Vancouver's superintendence.\*\* In April 1790, when the vessel was almost ready to proceed on her voyage, news was received that the Spaniards, who in 1775 had extended their researches northward along the north-west coast of America, had interfered with British commerce on that coast, and had seized English vessels and factories in Nootka Sound. In consequence of this the fleet known as the Spanish Armament was organised, and the officers and men who had been appointed to the Discovery were placed on active service. This caused the postponement of the proposed voyage. The rapid equipment of the fleet seems to have had an effect upon the Spanish authorities, who offered restitution for the depredations and an acknowledgment of equal trading rights with Spain in seas over

which that nation had previously claimed exclusive rights.\*\*\* "It was deemed expedient that an officer should be sent to Nootka to receive back in form the restitution of the territories on which the Spanish had seized, and also to make a correct survey of the coast from the 30 degrees of north latitude north-westward of Cook's River; and further to obtain every possible information that could be collected respecting the natural and political state of that country."\*\*\*\* Vancouver, who had been promoted to the rank of commander, was selected for this duty and was at once appointed to the Discovery, to which was attached the armed tender Chatham under the command of Lieutenant Broughton. His commission\*\*\*\*\* directed him to proceed forthwith to the Sandwich Islands and there to remain until the end of January 1792, awaiting further instructions with regard to the Nootka Sound matter. If such instructions should not be received by that time he was to proceed to the north-west coast of America for the purpose of acquiring a more complete knowledge of it, particularly with regard to water communications with the eastern side of the continent and also with regard to settlements made by any European nation within the area to be examined (latitude 60 North and 30 North).

(\*Footnote. Vancouver. Voyage of Discovery 1790 to 1795 volume 1 page 7.)

(\*\*Footnote. Dictionary of National Biography volume 58 page 96.)

(\*\*\*Footnote. Vancouver. Voyage of Discovery 1790 to 1795 volume 1 page 10.)

(\*\*\*\*Footnote. Ibid pages 10 and 11.)

(\*\*\*\*\*Footnote. Ibid pages 17 et seq.)

Vancouver and Broughton left London at the end of January 1791, and as the choice of route was left to Vancouver's judgment\* they went by way of the Cape of Good Hope, and on 26 August 1791 they had their first view of Australia--that of a conspicuous promontory with high cliffs dropping almost perpendicularly into the sea. This they named Cape Chatham, after the earl of that name, who at that time presided over the Admiralty. Though describing the promontory as a cape, Vancouver was in some doubt whether it was not really an island,\*\* a doubt afterwards proved to be well founded. Passing this and following an eastward course, while keeping as near the shore as possible in the hope of discovering a safe anchorage, they entered a fine natural harbour on the 28th and bestowed upon it the name of King George III Sound. Landing on the 29th, they noticed that there was a further inner harbour and a second extension toward the north-east. The day being the birthday of the Princess Royal, they named the inner portion Princess Royal Harbour. Vancouver then, in the name of the king, took formal possession of all the country "from the land we saw north-westward of Cape Chatham so far as we might explore its coasts." On the same day the narrow entrance to the north-eastern extension was discovered and the had been renamed Oyster Harbour, on account of the number of oysters found there.\*\*\*

(\*Footnote. Dictionary of National Biography volume 58 page 96.)

(\*\*Footnote. Vancouver. Voyage of Discovery volume 1 page 30.)

(\*\*\*Footnote. Ibid volume 1 pages 35 to 36.)

The ships remained at anchor for about a fortnight, during which a close examination of the harbours was made, and the coastline for some distance inland explored. The land in places seemed barren or covered with a "deadly green herbage, with here and there a few grovelling shrubs or dwarf trees scattered at a great distance from each other.\* This, Vancouver admits, might not have originated from sterility of the soil, but as the result of a bushfire which it was evident had recently passed over it, especially as the surrounding country presented a far more fertile and pleasing aspect. Fresh water was abundant, and kangaroos, ducks, and fish not scarce. The climate was temperate and agreeable. Of shrubs and plants a great variety was found, which "afforded Mr. Menzies (the naturalist of the expedition) much entertainment and enjoyment."\*\* Natives they did not actually meet, but one or two deserted villages were seen, as well as single habitations, giving them the impression that the aborigines were a wandering people, trusting greatly to the natural products of the soil for food, and not expert either at hunting or fishing.

(\*Footnote. Vancouver. Voyage volume 1 page 34.)

(\*Footnote. Ibid volume 1 page 51. Note. In 1883 a wooden tablet was erected by the Governor, Sir William Robinson, over an old well on the beach by the channel connecting Middleton Bay and Oyster Harbour. This, it is believed, marks the spot where "George Vancouver, an illustrious navigator, watered H.M.S. Discovery in October 1791.")

Before leaving the Sound, Vancouver deposited on the mainland opposite the anchorage a sealed bottle containing a parchment record of his visit, and a second bottle containing a similar record on Seal Island, where he thought the natives would be less likely to get it.\* Flinders, during his visit to King George III Sound in 1801, made a search for these bottles, but was unable to find either of them. On the mainland, however, he found a piece of sheet copper inscribed "August 27, 1800. Chr. Dixon--ship Elligood," from which he inferred that the bottle had been previously discovered and removed.\*\*

(\*Footnote. Vancouver. Voyage volume 1 page 40.)

(\*\*Footnote. Flinders. Voyage to Terra Australis volume 1 pages 54 to 56.)

After leaving King George III Sound, Vancouver and Broughton continued their voyage eastward along the south coast until they reached an island to which the name Termination Island was given, owing to the fact that through want of time they were compelled to terminate their researches along the Australian coast at this point, and to proceed "without further delay towards the Pacific ocean."\*

(\*Footnote. Vancouver. Voyage of Discovery pages 42 to 44.)

In addition to the places mentioned, Point Possession, Cape Howe, Mount Gardner, The Eclipse, Breaksea, Seal, and Michaelmas Islands, and nearly every prominent headland or island from Cape Leeuwin to 122 degrees east longitude owe their names to this voyage, which, from the standpoint of accuracy of observation and attention to detail, was one of the most important made to the shores of Western Australia.

About this time the French Government began to be anxious about the fate of the expedition under La Perouse, which had not been heard of since leaving Botany Bay

in 1788. The general impression was that the expedition had met with disaster, but in order to have the matter cleared up two ships, the Recherche and the Esperance, were fitted out for a search and placed under the command of Admiral D'Entrecasteaux.\* Leaving France in September 1791, D'Entrecasteaux proceeded by way of the Cape of Good Hope and reached the coast of Tasmania, anchoring in Storm Bay on 21 April 1792. From there he went to the Solomon Islands, the Moluccas, and the East Indian Archipelago, and then turned southward down the coast of Western Australia. He did not, however, sight the Australian coast until December 1792, when he came within hail of a point which was named D'Entrecasteaux Point, lying north-west of Chatham Island. Continuing his course to the eastward, he skirted the coast as far as Termination Island, where he sheltered from a storm, and then turned off to Tasmania again.\*\* Several places on the south coast were charted and named on this voyage, to which the discovery of the Recherche Archipelago is due.\*\*\*

(\*Footnote. D'Entrecasteaux. Voyage (Paris 1808) volume 1 page 19 instructions.)

(\*\*Footnote. Ibid volume 1 pages 177 et seq and Atlas Chart Number 1.)

(\*\*\*Footnote. Ibid volume 1 page 180. Note. Labillardiere, the botanist, who was one of the naturalists attached to the expedition, also published an account of the voyage.)

English maritime activity in the Southern Seas was now in full swing, and English association with the new South Land definitely established. Perhaps no one did more to bring about an accurate knowledge of, at any rate, the coastal districts of the continent than Matthew Flinders, to whom we owe its present name. Though we are concerned only with his connection with the west, he was responsible for the discovery of practically the whole of the south coast. In many respects Flinders was not unlike Dampier--if we except the latter's buccaneering proclivities. Bold and intrepid as an explorer, he was at the same time a careful observer, shrewd and painstaking, as well as accurate in detail, so that the information he procured proved of the greatest value in extending the vague knowledge then existing concerning this still practically unknown country.

Flinders left Spithead on 18 July 1801, in the Investigator, the old Xenophon, a sloop of 344 tons. On 7 December he reached what he termed Cape Leeuwin,\* as being the south-western and most projecting part of Leeuwin Land, and from there to King George III Sound, where he arrived on 9 December, he carefully surveyed the intermediate coast, naming various points. He remained at the Sound for some days, which were spent in charting Princess Royal and Oyster Harbours, and in establishing friendly relations with the aborigines. A short vocabulary of the native language was prepared, and information collected as to their habits. Their manners he describes as "quick and vehement and their conversation vociferous, like that of most uncivilised people. They seemed to have no idea of any superiority we possessed over them. On the contrary they left us, after the first interview, with some appearance of contempt of our pusillanimity, which was probably inferred from the desire we showed to be friendly with them.\*\*

(\*Footnote. Flinders. Voyage to Terra Australis volume 1 page 49.)

(\*\*Footnote. Ibid volume 1 page 56.)

Flinders left King George III Sound on 5 January 1802,\* and proceeded upon his voyage eastward. In the course of his voyage he completed the discovery of the south coast and made careful charts of the whole.

(\*Footnote. Ibid volume 1 page 74.)

On board the Investigator with him were Robert Brown, well known as a botanist, and William Westall, the famous painter; while one of his officers was (Sir) John Franklin, afterwards Governor of Tasmania and a famous explorer, who ended his career amid Arctic snows.

For one thing Flinders will always be remembered--that he gave to Australia her present name. Various appellations had been bestowed upon her--Magellanica, Java la Grande, Great South Land, and Terra Australis. After Tasman's voyage in 1644 the western portion was called New Holland, the eastern still retaining the name of Terra Australis. Subsequent to Cook's discoveries the eastern part received the name of New South Wales, the remainder being still New Holland. The meridian dividing the two, according to the patent to the first Governor of New South Wales, was 135 degrees east longitude,\* almost identical with the old line of separation laid down after Tasman's voyage. Having proved the east and west to be parts of one continent, Flinders readopted the name of Terra Australis for the whole, including New South Wales and New Holland, and, in its most extensive sense, Van Diemen's Land as well. At a later date, in 1814, in the published account of his voyage, he suggested the name Australia, which he had previously used in correspondence, "as being more agreeable to the ear, and an assimilation to the names of the other great portions of the earth."\*\* After this the name came into general use for the continent, though in official documents, even up to 1851, it sometimes included Tasmania.\*\*\*

(\*Footnote. Historical Records of Australia series 1 volume 1 page 1 Governor Phillip's first commission.)

(\*\*Footnote. Flinders. Voyage to Terra Australis volume 1 page 3 and note. See also Professor Scott's Life of Matthew Flinders chapter 30, in which the use of the word before Flinders' time is discussed.)

(\*\*\*Footnote. Scott. Life of Flinders pages 428 to 429.)

Following upon the knowledge gained through the voyage of D'Entrecasteaux, the French Government determined to send out a further expedition, which left Havre in October 1800, with the object of more fully exploring the coast of New Holland and collecting scientific information concerning its natural history and inhabitants.\* This consisted of two vessels, the Geographe under Commodore Nicholas Baudin and the Naturaliste commanded by Captain Hamelin, with whom was associated Lieutenant Louis de Freycinet. The ships reached the south-west coast in 1801, and many of the topographical features of that portion of the continent bear names which identify them with this voyage.\*\* Having been driven out of Geographe Bay by a storm, the vessels became separated. Baudin in the Geographe went to Shark Bay and from there worked northward as far as Cape Leveque, leaving the coast at that point for Timor. Here they were joined by the Naturaliste, which, according to Freycinet, had waited at Rottnest for a time expecting the arrival of the other vessel. Whilst waiting they had devoted some days to the exploration of the Swan River with the intention of tracing its source. They seem to have reached the junction of the Helena with the Swan when

the leader, M. Heirisson, felt compelled to return, as the provisions were running short. The name of a member of the party being Moreau, the title Moreau Inlet was bestowed upon the Canning River, while the islands upon which the present Perth Causeway stands were called the Heirisson Islands. The view from the top of Mount Eliza was described as particularly striking and beautiful, and the fertile nature of the soil about Guildford was commented upon. At the point where they abandoned their journey up the river, about sixty miles from the mouth, the stream was narrow, only about eight feet deep, and the water salt.\*\*\* Leaving Rottnest they made a further investigation of the entrance to Shark Bay, and on Dirk Hartog Island Captain Hamelin found the plate left by Vlaming more than a century previously.\*\*\*\*

(\*Footnote. Biographie universelle (Paris 1811) volume 3 page 538 and Nouvelle biographie universelle (Paris 1853) volume 4 page 771. See also Peron, F. Voyage de decouvertes aux Terres Australes 1800 a 1804 (Paris 1807) volume 1 chapitre 1.)

(\*\*Footnote. Peron. Voyage volume 1 pages 66 et seq.)

(\*\*\*Footnote. Ibid volume 1 pages 178 to 184.)

(\*\*\*\*Footnote. Ibid volume 1 pages 194 to 195.)

In November 1801 the two vessels left Timor for a more detailed examination of the Australian coast, and after a survey of a portion of Tasmania and the islands of Bass Strait, arrived at Sydney during the latter part of 1802. A small ship, the Casuarina, was chartered there and placed under the command of Freycinet.\* Baudin then, with the Geographe and Casuarina, explored that part of the south coast known to the French as Terre Napoleon and proceeded onwards to Western Australia, making detailed examination of most of the western side of the continent from King George's Sound in the south to the Holothuria Banks in the extreme north. The care bestowed upon this work may be gauged by the number of prominent features of the west coast which still bear French names.\*\*

(\*Footnote. Ibid volume 1 page 417.)

(\*Footnote. Peron. Voyage volume 2.)

No further record exists of any voyage to Western Australia until the year 1817, when the French Government dispatched Captain Freycinet in the corvette Uranie on a voyage of discovery and scientific investigation. In the course of this cruise Freycinet anchored in Shark Bay (called by the French le Baie des Chiens Marins) towards the end of 1818. He then proceeded along the north-west coast on his way to the islands of the South Seas, calling at Sydney on his return. Judging from the letters of M. Arago,\* one of the members of the expedition, the Western Australian coast failed to meet with their approval. "Its outline," he says, "is uniform, without breaks, almost without difference, and always very low. At the first view you take in an immense distance; but beware of looking for any enjoyment. This search would be merely wasting your strength, without finding the least relief."

(\*Footnote. Arago. Narrative of Voyage round the World 1817 to 1820 Letter 53.)



The number of French expeditions that touched at one part or another of the western coast of Australia began to arouse something like suspicion in the English mind, and consequently the British Government started to take a livelier interest in that part of the continent. The completion of the survey of the whole coastline, so ably begun by Captain Flinders, was deemed to be of utmost importance, and in 1817 the Admiralty in conjunction with the Colonial Office decided upon an expedition for that purpose.\* Lieutenant Philip Parker King was appointed to the command,\*\* and from that date until 1822 was busily engaged in carrying out the work. In pursuance of his instructions King left Sydney in December 1817, in the cutter *Mermaid*, of only 84 tons, having with him Allan Cunningham as botanist, and as officers Lieutenants Bedwell and John Septimus Roe,\*\*\* the latter of whom afterwards became the first Surveyor-General of the colony. The cutter reached King George III Sound on 20 January 1818. Here King remained twelve days, which were spent in procuring wood and water and making various excursions into the surrounding country, giving Roe his first experience of what was afterwards to be his life's work--the survey of Western Australia. The usual directions led down by the Admiralty about the planting of seeds were carried out, but without permanent effect, as three years later not a trace of the garden was to be found. Leaving the Sound, King was prevented by sickness among the crew from making any further examination until he reached the north-west coast.\*\*\*\* This was then accurately charted and various points named. At the same time excursions to the mainland were made at various places, and friendly intercourse, wherever possible, established with the natives. On 4 March he anchored in Nicol Bay\*\*\*\*\* for the purpose of making researches, and then went along the north coast and on to Timor, after leaving which he made all speed back to Sydney to replenish the stores. Two important questions had been set at rest by this voyage--the openings behind Rosemary Island and the nature of Van Diemen's Gulf.\*\*\*\*\* Owing to the loss of the anchors, King found it impossible to make a detailed examination of Exmouth Gulf or land upon Depuch Island,\*\*\*\*\* so favourably noticed by Peron. Many rivers, bays, and ports had been discovered, and the exploration of the interior had revealed good pastoral country. "The thickly-wooded shores of the north coast," says King, "bore a striking contrast to the sandy, desert-looking tract we had previously seen, and inspired us with the hope of finding at some future time a still greater improvement of country between the two extremes."\*\*\*\*\*

(\*Footnote. Earl Bathurst to Governor Macquarie Dispatch Number 87 8 February 1817 Historical Records of Australia series 1 volume 9 page 207.)

(\*\*Footnote. Ibid.)

(\*\*\*Footnote. King, P.P. Narrative of a Survey of the Inter-tropical and Western Coasts of Australia 1818 to 1822 volume 1 page 38.)

(\*\*\*\*Footnote. Ibid volume 1 page 20.)

(\*\*\*\*\*Footnote. Ibid volume 1 page 52.)

(\*\*\*\*\*Footnote. Ibid volume 1 pages 144 to 145.)

(\*\*\*\*\*Footnote. Ibid volume 1 page 145.)

(\*\*\*\*\*Footnote. Ibid volume 1 page 149.)

The *Mermaid* left Sydney on the second voyage in May 1819, and in the following September reached Cambridge Gulf, so named after the Duke of Cambridge.\* Here

King thought he had made a great discovery, believing that it must terminate in a river of some kind. Instead of that he found it barren and useless, the surrounding country being devoid of vegetation, the soil sandy and salt, the water undrinkable, and the gulf itself tailing off on all sides into a series of mud flats. Leaving there he sailed westward along the north coast, examining and naming as he passed Sir Graham Moore Islands, Eclipse Islands (from an eclipse of the moon taking place while there) Vansittart Bay, Admiralty Gulf, and Port Warrender.\*\* At this point King decided to leave the coast for the time, the scarcity of water and the absence of provisions having caused sickness among the crew. He therefore set sail for Timor, and thence returned to Sydney, having examined on his trip a further 540 miles of the northern coastline. In the following year a third voyage was undertaken for the purpose of extending the survey to Warrender, and in the course of this York Sound (after the Duke of York) Careening Bay (where the ship was repaired) Prince Regent River, and many other places were named and examined.\*\*\* A serious leak in the cutter compelled King to abandon the work, and he returned again to Sydney, arriving there at the end of the year, having narrowly escaped shipwreck at the entrance to the Heads. Unfortunately, owing to the unseaworthiness of the cutter, the amount of work done on this survey was but small. King's desire to complete his labour was, however, unabated, and in 1821 he again left Sydney for the north-west coast, this time in the brig Bathurst, purchased for the purpose by the Government. With a larger vessel and an increased crew, the expedition was much better equipped, and the commander was able to spend a longer time at the scene of his operations. The coast, as far down as Cape Latouche Treville,\*\*\*\* was examined and surveyed, after which King sailed across to the Mauritius to refit, returning at the end of 1821 to King George's Sound.\*\*\*\*\* From there he sailed along the west coast, checking many points of previous surveys until he arrived at the Swan River, where he anchored for a while. Resuming his voyage he examined, with a good deal of accuracy, the intervening shore until he reached the Abrolhos, and finally Dirk Hartog Island. Here he landed and searched without success for Vlaming's plate,\*\*\*\*\* and then proceeded northward to Cape Leveque, thus practically completing the survey of the whole Western Australian coast from King George's Sound to Cambridge Gulf, with the exception of that part lying between Depuch Island and Cape Villaret. What Cook, Bass, and Flinders had done for the eastern and southern coasts, King, following upon the earlier Dutch, French, and English navigators, had done for the western and northern, so that the Admiralty was in possession of fairly comprehensive charts of the whole Australian coastline.

(\*Footnote. Ibid volume 1 pages 306 et seq.)

(\*\*Footnote. Ibid volume 1 chapter 8.)

(\*\*\*Footnote. Ibid volume 1 pages 412 et seq.)

(\*\*\*\*Footnote. Ibid volume 2 chapter 2.)

(\*\*\*\*\*Footnote. Ibid volume 2 page 119.)

(\*\*\*\*\*Footnote. Ibid volume 2 page 181.)

With Lieutenant King the long line of discoverers may be said to have ended. Practically everything in the way of interior exploration had yet to be undertaken, but the few voyages that afterwards took place to these shores were in the nature of looking for satisfactory places of settlement rather than of discovering new territory, or else were for the purpose of checking and correcting existing surveys.

## CHAPTER 3.

### ANNEXATION OF WESTERN AUSTRALIA.

Although the existence of the western side of the continent had been known for certainly two, and possibly three, centuries, it was not until the third decade of the nineteenth century--some forty years after the foundation of the colony of New South Wales--that the British Government decided to take steps to found a settlement there. That the matter had not previously engaged the attention of the Home authorities was in all likelihood due to the unsatisfactory reports of the new territory brought back by navigators, who, confining themselves to the uninviting coastline, seem to have had neither the time nor the inclination to make any examination of the interior, and so missed the fertile inland districts. When, however, a strong suspicion arose that other nations were casting their eyes towards the Southern Seas, the English Government seems to have realised that a few settlements on the eastern coast would be deemed scarcely sufficient, in the opinion of others, to establish a claim to the whole of this vast continent as British territory. There is very little doubt that the settlements at King George's Sound and the Swan River were, in the first place, due to the activity being displayed by the French in Australian waters.

It was rumoured that Captain Baudin had contemplated establishing a settlement on the southern coast or in Tasmania in 1802,\* and an exhaustive examination of the north-west coast had, it will be remembered, been made by Freycinet in 1818. In 1825 we find that another expedition consisting of the *Thetis* and *Esperance*, commanded respectively by De Bougainville and Du Camper, was cruising along the southern coast. These voyages gave rise to the belief that France, recognising that maritime power depended greatly on the possession of suitable colonies, was looking for the opportunity of establishing a settlement in Australia. The belief may have been further strengthened by a suspicion that in the minds of Frenchmen the Napoleonic dream of an Indian conquest had not, perhaps, altogether vanished. In that case a colony on the west coast of Australia would, in conjunction with the Mauritius, have formed a strategic base of some value. Such a colony would also have been the means of introducing a formidable competitor into the trade relations then being fostered between India and the newly-established penal colony in New South Wales. Whatever the reasons may have been, there is no doubt that they aroused in the minds of members of the British Government a fear that the French were looking for suitable places of settlement on the western coast of Australia. The Secretary of State, Lord Goderich (afterwards Earl of Ripon) writing in 1833 with regard more particularly to Western Australia, said:

"The present settlement at Swan River owes its origin, as you may perhaps be aware, to certain false rumours which had reached the Government of the intention of a foreign power to establish a colony on the west coast of Australia. The design was for some time given up entirely on the ground of public economy, and would not have been resumed but for the offer of a party of gentlemen to embark in an undertaking of this nature at their own risk, upon receiving extensive grants of land and on a certain degree of protection and assistance for a limited period being secured to them by this Government."\*\*

(\*Footnote. Rusden, G.W. History of Australia volume 1 pages 326 et seq.)

(\*\*Footnote. Dispatch to Governor Stirling 8 March 1833 Number 21 filed in Governor's Office, Perth. See also Accounts and Papers 1840 volume 33 page 69.)

Further, Lord John Russell\* tells us that, during his tenure of the Colonial Office, a gentleman attached to the French Government called upon him and asked what part of Australia was claimed by Great Britain, to which he replied, "the whole." As Russell was Secretary of State for the Colonies from 1839 to 1841, it seems strange that that question should have been asked at so late a period, though it is possible that scientific researches of French navigators at the beginning of the century may have been present in the Frenchman's mind.

(\*Footnote. Russell. Recollections and Suggestions 1875 page 203.)

Unfounded as the suspicions have since been proved to be, they were undoubtedly strong enough at the time to move the British authorities to take action. The movements of the French were closely watched, and at the same time settlement both in Australia and New Zealand was pushed on, so as to deprive France of the chance of gaining a foothold on Australasian soil.

The fear of such a possibility caused General Darling to draw the attention of the Secretary of State for the Colonies to the matter and ask that steps be taken to avert it. Recognising that in case of dispute Great Britain would have difficulty in establishing her claim to the west coast, he forwarded a letter in which he said:\*

"It will not be easy to satisfy the French, if they are desirous of establishing themselves here, that there is any objection to their doing so on the west coast, and I therefore beg to suggest that the difficulty would be removed by a commission describing the whole territory as within the Government."

(\*Footnote. Rusden. History of Australia volume 2 page 6. Probably contained in a letter to Under Secretary Hay, dated 9 October 1826. See Historical Records of Australia volume 12 pages 639 and 700.)

(The territory of New South Wales, it may be mentioned, extended westward only to the 135 degrees east longitude.) On 1 March 1826, the Secretary of State, Lord Bathurst, addressed one dispatches upon the subject to Governor Darling, and, at the same time, wrote a more or less private and confidential communication.\* The first of these dispatches instructed the Governor to commence immediate preparations for the formation of a settlement at Western Port, using whatever means he might think best. In the second dispatch Darling was instructed to endeavour to procure correct information respecting the country immediately adjoining Shark Bay, ostensibly for the purpose of establishing a base to which convicts, reconvicted of lighter crimes at Botany Bay, might be sent and "that possession may be gained of a port which it may hereafter be found important to have retained." In the private communication the secretary said:

"The sailing of two French ships on a voyage of discovery have [sic] led to the consideration how far our distant possessions in the Australian seas may be

prejudiced by any designs which the French may entertain of establishing themselves in that quarter, and more especially on that part of the coast of New South Wales which has not as yet received any colonists from this country. I allude to that line of coast which extends to the westward from the western point of Bathurst Island in 129 degrees east longitude...As this tract of shore is understood to be for the most part barren and devoid of all circumstances which could invite a settlement, it is probable, if the French Government should entertain any serious intention of forming an establishment on that side of the continent, any island with so advantageous a port as Western Port would not be overlooked by them...In giving those instructions you will observe that I have carefully avoided any expression which might be construed, in the event of the instructions being hereafter referred to, as an admission of there not having been a preoccupation by us before the French may have admitted to establish themselves there, and you will regulate your language accordingly. The establishment to be formed at Shark Bay, is, as you are aware, partly for a different object, but it is equally necessary that our projects in that quarter should not be anticipated."

(\*Footnote. Published in Historical Records of Australia series 1 volume 12 pages 192 to 194.)

The advice of Darling to regulate his language probably explains why there was no public proclamation of any intention on the part of the Government to establish a settlement.

On 11 March a further dispatch\* was sent to the Governor asking him also to have an examination made of the country around King George's Sound, as it might possibly prove a better locality than Shark Bay. In all probability these dispatches were forwarded by the same ship. At any rate, they were answered by Darling on 10 October 1826,\*\* who stated that in his opinion King George's Sound was totally unfit for the purpose even of a penal settlement, as the communication would be at all times tedious and difficult, and during a part of the year hardly practicable. Communication with Shark Bay would be still more difficult and very expensive. He added that he was informed that the country around both Shark Bay and King George's Sound was perfectly barren and destitute of vegetation, and concluded, "the French would, therefore, find it difficult to maintain themselves at either of these places."

(\*Footnote. Published in Historical Records of Australia series 1 volume 12 page 218.)

(\*\*Footnote. Ibid series 1 volume 12 pages 639 to 641.)

Notwithstanding his expression of opinion, however, he took immediate steps for the purpose of carrying the instructions of the Home Government into effect. Three sites for occupancy were determined upon--at Raffles Bay, Western Port, and King George's Sound--and on 9 November H.M.S. Fly, accompanied by the brigs Dragon and Amity, sailed from Sydney to establish settlements at Western Port and King George's Sound.\* The contingent for the Sound was on the Amity, and was under the command of Major Lockyer, of the 59th regiment, who had with him Captain Wakefield and a detachment of the 39th Regiment, as well as twenty-four convicts. In the instructions given to Lockyer\*\* he was told "to avoid any expression of doubt as to the whole of New Holland being within this Government, any division of it which

may be supposed to exist under the designation of New South Wales being merely ideal, and intended only with a view of distinguishing the more settled part of the country. Should this explanation not prove satisfactory it will be proper in that case to refer them to this Government for any further information they may require." If it should so happen that a landing had already been effected by the French, "you will, notwithstanding, land the troops agreeably to your instructions, and signify that their continuance with any view of establishing themselves, or colonisation, would be considered an unjustifiable intrusion on his Britannic Majesty's possession." The party arrived at King George's Sound on Christmas Day, 1826, and landing on the following morning proceeded to select a position for the settlement. The exact spot where the British flag was hoisted, from which the whole of Western Australia was claimed as belonging to the Crown, is unfortunately not precisely known. It was somewhere at the base of either Mount Clarence or Mount Melville, near both of which there still exist some indications of the early settlement. Very meagre information concerning the little colony is available beyond the diary kept by Major Lockyer\*\*\* during the first four months of its existence. From this we learn that the Sound was used largely by American and other sealers and whalers, who plied their vocation among the islands along the south coast and as far up the western coast as Rottnest Island. With these Lockyer had, from time to time, a good deal of trouble owing to their ill-treatment of the natives. From the condition of the settlement in 1831, when the convicts were withdrawn and the establishment placed under the Swan River Government, it is apparent that very little progress was made during the four years of its existence. This was probably due to the fact that it was far removed from civilisation, and was wholly dependent for supplies and information upon occasional visits of ships from Sydney. The soil does not appear to have lent itself to such desultory attempts at cultivation as were carried on. The poor results from tillage may be gauged from the fact that on more than one occasion the colonists were reduced to privation owing to the delayed arrival of vessels with food supplies. Lockyer returned to Sydney in April 1827, leaving Captain Wakefield in command. This officer was succeeded in turn by Captain Barker, who retained control until the convicts were withdrawn, and the idea of a penal settlement abandoned. This took place by proclamation dated 7 March 1831. The withdrawal of troops and convicts was due to various causes. One of the conditions laid down by the Government in 1828 regarding the then proposed settlement at Swan River was that no convicts were to be sent there. Those who entered upon the scheme did not consequently relish the presence of a convict establishment within the borders of the territory. Then the commission issued to Captain Stirling as Governor, and which was dated 5 March 1831, described the colony as that portion of Australia lying west of the 129th meridian of eastern longitude, and therefore settlement under other control could scarcely continue to exist. Further, Governor Stirling wished to settle colonists in the southern portions of the State (as may be seen from part of a dispatch to the Secretary of State dated 30 January 1830). In this he says:

"In obedience to instructions directed to me under date of December 30 I am desirous of attracting settlers to occupy the country in the southern districts of this territory, and I intend shortly to submit for public selection and occupation lands situated in the direction of King George's Sound. At present a military post is maintained there, and which is under the command of General Darling. I therefore take the liberty to suggest that the present Commandant and his party should be removed, and the duties

of that station be committed to an officer and a small party of soldiers from the detachment serving under the Officer Commanding the troops in this settlement."

(\*Footnote. Dispatch Number 95 Darling to Lord Bathurst 24 November 1826 published in Historical Records of Australia series 1 volume 12 page 699.)

(\*\*Footnote. Secret instructions to Major Lockyer 4 November 1826. See Historical Records of Australia series 1 volume 12 page 701.)

(\*\*\*Footnote. This diary is in the possession of the Public Library of New South Wales and a typed copy is filed in the Public Library of Western Australia.)

This course was approved by the Home authorities, and Stirling was informed, in a dispatch dated 20 July 1830, that General Darling had been so instructed. These instructions were carried out early in the following March, and on the 7th of that month, as stated above, the settlement at the Sound was brought under the control of the Western Australian Government.

Almost immediately after the departure of Lockyer from Sydney, the arrival there of the corvette *Astrolabe*, which had spent the greater part of the month of October at King George's Sound, considerably accentuated the fear of French annexation. In Governor Darling's opinion this new fact made the necessity for some definite British settlement on the west coast more insistent. Fortunately the opportunity of taking the initial steps towards that end was ready to hand.

Reports had been received by the Secretary of State in England to the effect that the settlement founded at Melville Island on the northern coast in 1824 was unlikely to realise expectations. In consequence Lord Bathurst directed the Governor of New South Wales to send a man-of-war to the spot, with orders to the captain to remove the settlement, if necessary, to a more suitable site, preferably one further eastward.\* The man-of-war at Sydney when the dispatch arrived was H.M.S. *Success*, commanded by Captain Stirling. Governor Darling, so far as the records show, appears to have communicated Lord Bathurst's wishes to Captain Stirling in an informal, unofficial way, for the first intimation we have of their receipt is in the form of two letters from Stirling to the Governor, in the first of which--dated 8 December 1826--it was pointed out that the north-west monsoonal rains would interfere with the removal of the Melville Island settlement until after April; in the other--dated 14 December\*\*--Stirling suggested that he should employ the ship during the interval in making an examination of the Swan River, which had been surveyed by the French in 1803 and 1804. In the prosecution of these considerations, he says, "Certain ideas have been suggested to me by professional observation, relative to the necessity of immediately seizing a possession upon the western coast of this island near Swan River." He concludes his letter with this statement:

"Finally, Sir, at a time when we have one French vessel of war with objects not clearly understood, and with one American vessel of war being also in this neighbourhood seeking a place for a settlement, it becomes important to prevent them from occupying a position of such value, particularly as you were pleased to say that His Majesty's Government is desirous of not being anticipated in such views by any foreign power."

(\*Footnote. Dispatch from Bathurst to Darling, 7 April 1826, and Under Secretary Hay to John Barrow, Secretary to the Admiralty, 6 April 1826 published in Historical Records of Australia series 1 volume 12 pages 224 et seq.)

(\*Footnote. These two letters are published in the Historical Records of Australia series 1 volume 12 pages 775 to 780.)

On 18 December the Governor forwarded a dispatch to Lord Bathurst,\* stating that he had agreed to Captain Stirling's proposal, "as it is of great importance that so advantageous a position should not be taken possession of by the French...At the same time if the French meditated a settlement in New Holland, Swan River, from the accounts given of it by Captain Stirling, should not be neglected."

(\*Footnote. Stirling to Lord Bathurst *ibid* pages 773 to 775.)

On 17 January, therefore, the *Success*, under command of Captain Stirling, and having on board Mr. Charles Fraser, the Colonial Botanist, left Sydney with a view of making up the French survey deficiencies, and of examining thoroughly to country in the vicinity of Swan River. During the early part of the voyage she was accompanied by a cutter, whose sailing qualities, however, turned out to be inferior; consequently the vessels parted company, the smaller craft being instructed to make for King George's Sound, for the settlement at which she was carrying provisions. On 4 March Stirling sighted land and rounded Cape Leeuwin. "The first appearance of the coast we were now to explore," he writes,\* "presented nothing attractive; the monotony of its outline and the dusky hue of the meagre vegetation it supported at once accounted for the sterile and hopeless character attributed by early navigators to this region." On the following day Rottnest Island was reached and explored, and on 6 March 1827 the *Success* anchored off the south head of Swan River. Early on the morning of the 8th, Stirling started to carry out the real objects of the expedition, which were "to proceed, if possible, to the source of the river--to examine the banks and the depth of the water, to fix on an eligible spot for a settlement, to ascertain the productions of the country, the nature of the soil, and the practicability of forming a harbour for shipping."

(\*Footnote. Report to Governor Darling dated 18 April 1827; forwarded to Secretary of State for the Colonies enclosed in Darling's dispatch of 21 April 1827, Number 56.)

For the purpose of fulfilling these instructions, the ship's gig and cutter were provisioned for a fortnight and well armed, after which, under the command of Captain Stirling, they proceeded up the river. Mr. Fraser formed one of the party. No difficulties were met with until they reached the flats above Heirisson Islands (the site of the present Perth Causeway) where the water was too shallow to float the boats, which had to be unloaded and drawn across. After that, the way was tolerably easy, and on the 13th they arrived at what they deemed to be the source.

During the course of the trip two gardens were planted about fifteen miles from the mouth, and after some trouble friendly intercourse was established with the natives. The soil along the banks was examined, and an abundance of fresh water found. An ascent of the hills, to which the name General Darling Range was given, was made by Mr. Fraser. The cutter then returned to the ship, leaving the gig, with Lieutenant



Belches in charge, to make a hurried examination of a tributary river (the Canning) to which the French had given the name Moreau Inlet. After her return, the crew of the frigate was employed surveying the islands of Rottnest, Berthollet (now Carnac) and Buache, as well as the adjacent rocks. On Buache a garden was planted (from which probably the present name Garden Island was derived) and some cattle and sheep left there. The Success sailed for Geographe Bay on 21 March. Here Stirling remained until the 25th, when he set his course for King George's Sound, which was reached on April 2. He remained at the settlement, which did not come up to his expectations, until two days later, when he left for Sydney, arriving in Port Jackson on the 15th of the same month, having been absent about three months.

So far as their reports go,\* both Captain Stirling and Mr. Fraser seem to have been greatly impressed with the possibilities of the newly-examined country. The latter, who had certainly greater experience in judging, was, if possible, the more pronounced in his good opinion, and there is no doubt that his opinion was largely relied upon when the question of colonisation was under discussion. In concluding his report upon the natural history, soil, etc, of the Swan River district, he says:\*\*

"In delivering my opinion on the whole of the lands seen on the banks of the Swan, I hesitate not in pronouncing it superior to any I have seen in New South Wales eastward of the Blue Mountains, not only in its local situation, but in many existing advantages which it holds out to settlers, namely:

1. The evident superiority of the soil. 2. The facility with which settlers can bring their farms into a state of culture from the open state of the country, the trees not averaging more than ten to the acre. 3. The great advantage of freshwater springs of the best quality, and consequent permanent humidity of the soil, two advantages not existing eastward of the Blue Mountains. 4. The advantage of water carriage to their own doors and the non-existence of impediments to land carriage."

(\*Footnote. It may be interesting to note that Stirling suggested the name Hesperia for Western Australia, as indicating a country looking towards the setting sun.)

(\*\*Footnote. Observations on the soil, etc, of Swan River enclosed with Stirling's report of 17 April 1827.)

These favourable reports so impressed General Darling that he forwarded, on 21 April 1827, a dispatch (Number 56)\* in which he strongly advised the Home Government to establish a settlement at Swan River as quickly as possible. In this dispatch he pointed out the advantages which Swan River appeared to possess. Its climate made it suitable as a convalescent station for invalids from India, and the distance to it from that country could be covered in a comparatively short time. It possessed amongst other natural advantages good water and excellent soil, whilst, although the entrance to the river itself was shallow, there were good external anchorages at Gage Roads and Cockburn Sound. As Captain Stirling's report might find its way into the French papers, he urged that if the Government had any intention of forming a settlement at Swan River no time should be lost in taking the necessary steps.

(\*Footnote. Published in Historical Records of Australia series 1 volume 13 page 264.)

Stirling's report and the Governor's dispatch appear to have been conveyed to England by Stirling in person, and were forwarded by the Colonial Office to the Admiralty for an opinion in regard to the formation of a settlement at Swan River. The Secretary to the Admiralty, whilst admitting the physical advantages detailed by Captain Stirling and Mr. Fraser, was of opinion that the anticipations of commercial intercourse with India were fallacious, and that it was questionable whether it was advisable to form a settlement on the west while so many millions of acres of rich country remained unoccupied on the eastern side. The report concludes with this statement:

"No other motive, I conceive, than the political one of preventing other nations, as the French or Americans, of possessing themselves of the south-west corner of New Holland, should induce us to anticipate them; and even in the event of its falling into the hands of the one or other of these powers, it would be a long series of years before they could give our other colonies much annoyance."\*

(\*Footnote. Letter from Secretary to the Admiralty to Mr. Under Secretary Horton 15 October 1827.)

After consideration of the various reports and opinions dealing with the question, the Secretary of State for the Colonies wrote to Governor Darling on 28 January 1828,\* reviewing the adverse report from the Admiralty, and concluding:

"Under these circumstances I am of opinion that it would be inexpedient, on the score of expense, to occupy this part of the coast, and that it is unnecessary, with a view to any urgent interest, to attempt any new settlement at present in that quarter...I shall not fail, however, to apprise the East India Company of the circumstances attending the discovery of Swan River in case they should consider it advisable to make any settlements there, but, I am not away of any sufficient motive to induce them to embark in an undertaking of this nature."

(\*Footnote. Published in Historical Records of Australia series 1 volume 13 pages 739 to 740.)

Two days later another dispatch\* was forwarded in which it was hinted that the same causes would probably induce the Government to withdraw the settlement which had been formed at King George's Sound, but that if it were finally decided to maintain that settlement, then, in all probability, the decision not to found a colony at Swan River would be reviewed. In this dispatch the Secretary of State mentioned that he had asked the East India Company whether there was any disposition on their part to undertake the colonisation of Western Australia. The Company, however, was not prepared to fall in with the idea,\*\* and for the time being the proposal to found the colony was shelved on grounds of economy.\*\*\* This decision was conveyed by the Colonial Office to Captain Stirling, but it does not appear to have dissuaded him from continuing his solicitations for the establishment of the new colony.

(\*Footnote. Published in Historical Records of Australia series 1 volume 13 pages 741 to 742.)

(\*\*Footnote. Public Record Office Swan River Papers volume 1.)

(\*\*\*Footnote. Hay to Stirling 2 January 1833. Note. Mr. Horace Twiss was member for Wootton-Basset from 1820 to 1830, and from 1828 to 1830 was

Under Secretary for War and the Colonies in the Ministry of the Duke of Wellington.)

In May and June 1828, a reconstruction of the British Government took place, under which Sir George Murray replaced Mr. Huskisson as Secretary of State for War and the Colonies, and Mr. Horace Twiss became Under Secretary. The last-named appears to have been to some extent a personal friend of Captain Stirling, and it was probably through him that Stirling was induced once more to approach the Government with the idea of forming a colony. On 30 July 1828,\* he addressed a long letter to the Colonial Office, in which he said, *inter alia*,

"The French, under the command of M. Baudin, at the beginning of this century, visited that shore (that is, Western Australia) and rendered an account of it more circumstantial, but equally unfavourable...as that of the Dutch. The report which I had the honour to make last year to His Majesty's Government differs so widely from that of the preceding Dutch and French navigators, that it will scarcely be believed that we undertake to describe the same country. For while they report the country as sterile, forbidding, and inhospitable, I represent it as the land out of all that I have seen in various quarters of the world that possesses the greatest natural attractions."

(\*Footnote. Public Record Office Swan River Papers volume 1.)

He went on to describe the character of the country, and concluded:

"The above-mentioned recommendations point it out as a spot so eligible for settlement that it cannot long remain unoccupied...as, by its position, it commands facilities for carrying on trade with India and the Malay Archipelago as well as with China, and as it is, moreover, favourably circumstanced for the equipment of cruisers for the annoyance of trade in those seas, some foreign power may see the advantage of taking possession should His Majesty's Government leave it unappropriated."

On the receipt of this letter, Stirling's original report was apparently looked up, and the whole question resubmitted to the Admiralty. The Secretary to the Admiralty, after a conversation with Captain Stirling, more particularly concerning the merits of Swan River as compared with King George's Sound, exhibited a complete reversal of the previous Admiralty opinion, and in reply to the Colonial Office (under date 2 August)\* said:

"I think there requires no hesitation in transferring the establishment at the former (King George's Sound) to the latter place (Swan River) and perhaps the sooner the better, as the publication of the chart containing so fine an anchorage, entirely overlooked by the French navigators, may induce that nation, or the Americans, who are prowling about for some detached settlement, to assume possession of the only spot on the western coast of New Holland that is at all inviting for such purpose, to which we could have no right to offer any resistance."

(\*Footnote. Public Record Office Swan River Papers volume 1.)

On 21 August Captain Stirling and Major Moody of the royal engineers forwarded a communication to the Colonial Office, in which is given the first hint of the

possibility of the formation of an association for the purposes of colonisation.\* They asked whether, under such circumstances, the association could secure a proprietary charter upon the principles similar to those adopted in Pennsylvania and Georgia. The Government would not agree to consider any proposal along these lines, "as it was deemed desirable to exercise a more immediate control over the settlement by government than by such an arrangement it would possess."\*\* The Colonial Office and the Admiralty combined suggested, however, that Captain Stirling should make further inquiries with regard to the question of an association, and that he did so is evident from a letter dated 22 October,\*\*\* part of which reads:

"But, notwithstanding this favourable inclination, objections are made against the enterprise at present, upon the following points. In the first place there is no information extant, under authority, either as to the precise intentions of the Government, or of the nature of that territory, nor do any preparations exist there for the reception of settlers. In the second place, His Majesty's right to that country has never been declared, and as it is reported that the French Government contemplates the formation of a settlement in New Holland, the apprehension is entertained that an expedition proceeding there might find, on its arrival, the best positions occupied, and its aim defeated, to the total ruin of the property engaged in it...I take the liberty of suggesting that (the difficulties) may be obviated by dispatching at once a ship of war to that quarter. Possession might thus be taken of the country, surveys commenced, and arrangements made for the reception of settlers."

(\*Footnote. Stirling and Moody to Hay. Public Record Office Swan River Papers volume 1.)

(\*\*Footnote. Sir George Murray in the House of Commons 1 May 1829. Hansard new series volume 21 page 913.)

(\*\*\*Footnote. Stirling to Twiss Public Record Office Swan River Papers volume 1.)

The latter suggestion bore immediate fruit, as, on 5 November, the Admiralty was instructed by the Secretary of State for the Colonies\* to order the officer commanding the naval forces at the Cape to dispatch one of the ships of war under his command, without loss of time, to the coast of New Holland, with directions to take formal possession in His Majesty's name, and with the further direction that the spot should be at or near the Swan River, and that uninterrupted possession be maintained until the arrival of further advices.

(\*Footnote. Secretary to Admiralty In-letters Number 4242.)

These instructions were immediately put in hand, and directions were forwarded to Commodore Schomberg, the officer commanding the naval forces at the Cape, to detail H.M.S. Tweed for the purpose of carrying them out.\* Some weeks later it was decided to alter that arrangement, and Commodore Schomberg was informed that if the Challenger arrived at the Cape before the Tweed had left there for Swan River, she was to carry out the instructions in place of the latter vessel, but that if the Tweed had already sailed, then the Challenger should remain at the Cape in her place.\*\* In accordance with instructions, the Challenger, under Captain Fremantle, left London in December 1828, and upon arrival at the Cape in the following March she was directed to proceed to Swan River, and reached Cockburn Sound on 27 April 1829.\*\*\* On the

morning of 2 May "Captain Freemantle [sic] and Lieutenant Henry went with a party to Swan River and took formal possession of the west coast of New Holland in the name of his Britannic [sic] Majesty."\*\*\*\*\*

(\*Footnote. Letter sent from Secretary to the Admiralty to Commodore Schomberg dated 7 November 1828. This letter also stated that H.M.S. Challenger would be sent out to the Cape to replace H.M.S. Tweed. Secretary to Admiralty Out-letters Number 1589.)

(\*\*Footnote. Two letters from Secretary to Admiralty to Commodore Schomberg both dated 2 December 1828. Admiralty Out-letters Number 1589.)

(\*\*\*Footnote. Journal of the Proceedings of H.M.S. Challenger from 10 March to 29 August 1829 Captains' Journals Number 3096.)

(\*\*\*\*Footnote. Ibid under date 2 May 1829.)

Although this action set at rest the question of actual possession, there does not appear to have been at that time (November 1828) a definite decision to establish a colony forthwith. Such a step was, however, decided upon within the following month, and was accelerated by the fact that Captain Stirling's suggestion to form a syndicate had taken definite shape in the meantime.

At present we are only concerned with the offer of this syndicate to the extent that it seems to have provided the additional factor necessary to enable the Government to make up its mind on the question. On 12 November the Secretary of State for the Colonies addressed a letter to the Admiralty\* asking that a ship be provided for the purpose of conveying a detachment of troops and other persons to the western coast of New Holland, "where it is intended to form a British settlement"; and on 29 November the Commander-in-Chief of the Army, Lord Hill, was asked to provide a detachment "to be held in readiness for embarkation for the western coast of New Holland, where His Majesty's Government judge it advisable to establish a British settlement."\*\* Judging from a letter, dated 28 December,\*\* Captain Stirling was personally informed that he was to be appointed to the command of the new settlement, but the formal appointment was not made until the 30th.\*\*\*\* On the following day the administrative establishment was appointed.\*\*\*\*\*

(\*Footnote. Admiralty In-letters Number 4242.)

(\*\*Footnote. Quoted in letter from Lord Hill to Sir George Murray 3 December 1828 Public Record Office Swan River Papers volume 1.)

(\*\*\*Footnote. Stirling to R.W. Hay Public Record Office Swan River Papers volume 1.)

(\*\*\*\*Footnote. Sir George Murray to Stirling 30 December 1828 Colonial Office Western Australian Entry Books volume 1.)

(\*\*\*\*\*Footnote. Hay to Stirling 31 December 1828 ibid.)

Although the proposal of the syndicate seems to have given just that additional weight necessary to tip the scale in favour of colonisation, the principal reason, according to the documentary evidence, was a recrudescence of the fear of French annexation, because we find that when the decision had been arrived at and the arrangements completed, the Commissioners of the Treasury were asked to provide the necessary

financial assistance on that ground alone. A letter from the Colonial Office to the Treasury, dated 31 December 1828, states that:

"Intimation having been received that the French Government are prepared to colonise some part of the west coast of New Holland, and especially that portion adjoining to the river lately explored by Captain Stirling, the Secretary of State has thought it expedient to send out that officer to form a small settlement in that quarter, to which such persons may advantageously resort as may be desirous of establishing themselves in a climate as favourable as New South Wales, and a soil as promising, without the disadvantages which attach to a penal colony."\*

(\*\*Footnote. R.W. Hay to G.R. Dawson 31 December 1828 Public Record Office Swan River Papers volume 1.)

Additional evidence of the fact may also be found in the dispatch forwarded to Governor Darling of New South Wales on 12 January 1829.\* After drawing the Governor's attention to a previous dispatch of January 1828, in which he was informed of the grounds which induced the Government at that time to relinquish all idea of colonising the west coast of New Holland, the Secretary of State goes on to say, "Circumstances have since occurred to render the occupation of the position desirable."

(\*\*Footnote. Colonial Office New South Wales Entry-books volume 10.)

It seems perfectly clear, therefore, that practically the only reason for colonisation was the fear of French annexation, though it is doubtful whether that fear would have been sufficiently strong to cause the Government to come to a decision had there not been the offer of the syndicate. This proved that there were, in England, men of financial stability who were confident that a new colony on the west coast could be made successful. We may perhaps add to these reasons a further motive which seems to underlie all the correspondence, namely, the knowledge that existed in the minds of the members of the Government that one or two small settlements on the eastern side of this great island could not, according to the canons of international law, be deemed to be sufficient to enable Great Britain to maintain successfully a claim to the whole of the continent.

#### NOTE.

Dispatches prior to June 1829, passing between the Secretary of State and the Governor of New South Wales, relative to the colonisation of Swan River, are printed in the Historical Records of Australia, published by the Commonwealth Government. The originals of those from the Secretary of State to the Governor of Western Australia subsequent to June 1829 (the foundation of the colony) are filed in the office of the Governor at Perth. The duplicate copies of dispatches from the Governor of Western Australia to the Secretary of State up to 1856 are in the possession of the Public Library of Western Australia, in which Institution are also filed copies of letters other than dispatches, the originals of which are in the Public Record Office or the Colonial Office.

## CHAPTER 4. 1829 TO 1830.

### COLONISATION AND EARLY SETTLEMENT.

The British Government having decided to proceed with the settlement at Swan River, it became necessary to draw up the conditions under which the new colony was to enter upon its existence. It is more than probable--in fact, according to Lord Ripon's statement it is certain--that the framing of these conditions was both influenced and expedited by a proposal made by the syndicate mentioned in the preceding chapter. This consisted of Mr. Thomas Peel (a relative of Sir Robert Peel, the then Home Secretary) Sir Francis Vincent, Mr. E.W.H. Schenley, and Colonel T. Potter MacQueen.

These gentlemen appear to have been led to formulate their scheme through the favourable reports of the country given by Captain Stirling. By a memorial dated 14 November 1828,\* they offered to send out and settle in the neighbourhood of the Swan River 10,000 persons chosen from England, Scotland, and Ireland, and to find them in provisions and other necessities usually allowed to emigrants; also to bring to the settlement 1000 head of horned stock, and to arrange for three small vessels to run subsequently between Sydney and Swan River as occasion might require, the undertaking to be completed within four years. In payment of their expenses, which they estimated at 30 pounds per head of the people taken out, they expressed themselves willing to take grants of land at a valuation of 1 shilling and 6 pence per acre, and they further promised to provide proper surveyors for the purpose of allocating to every male not less than 200 acres of land from the quantity they were to receive. The objects which the syndicate had in view, and for which such large tracts of land were required, were said to be the cultivation of cotton, tobacco, sugar, flax, and various drugs for which the climate was suited; the rearing of horses for the East Indian trade; and the establishment of large herds of cattle and swine for the purpose of supplying His Majesty's or other shipping with salt provisions.

(\*Footnote. Accounts and Papers 1829 volume 24 Swan River Settlement pages 3 to 4 Memorial from Peel and others to Sir George Murray. Note. The date of the memorial is given in the Parliamentary Paper as 4 November but in the Colonial Office reply to the memorial dated 6 December it states that it is an answer to a "memorial dated 14th of last month.")

The English Government looked favourably upon the proposals, but was not inclined to accede to the whole of the requests made by the syndicate. After some delay through further correspondence, a reply to the memorial was sent by the Colonial Office to Mr. Peel on 6 December 1828,\* in which it was pointed out that the Government was averse to any experiment upon such a large scale as that proposed, on account of the extensive distress which would be occasioned should the undertaking fail. For that reason it was considered necessary to limit the grant requested to a maximum of one million acres (instead of the four million acres applied for by the syndicate). Half a million would be allotted as soon as the first vessel sent out by the syndicate arrived in the new colony, such vessel to contain not less than 400 persons of both sexes, in the proportion of not less than five females to six males. Provided this grant should have been covered by investments in accordance with the regulations of the new colony before the expiration of 1840, the remaining

500,000 acres would be allotted by degrees as fresh settlers and further capital were introduced. Priority of choice to the extent of 100,000 acres would be allowed to Captain Stirling, upon whose reports it had been determined to establish the settlement.

(\*Footnote. Accounts and Papers 1829 volume 24 Swan River Settlement page 6 Hay to Peel and others.)

The regulations\* referred to were those contained in a circular dated 5 December, setting forth the terms on which the Government was prepared to assist colonists:

"Although it is the intention of His Majesty's Government to form a settlement on the western coast of Australia, the Government do not intend to incur any EXPENSE in conveying settlers or in supplying them with necessaries after their arrival.

"Such persons, however, as may be prepared to proceed to that country, at their own cost, before the end of the year 1829, in parties comprehending a proportion of not less than five female to six male settlers, will receive grants of land in fee simple (free of quit rent) proportioned to the capital which they may invest upon public or private objects in the colony to the satisfaction of His Majesty's Government at home, certified by the Superintendent or officer administering the Colonial Government, at the rate of 40 acres for every sum of 3 pounds so invested, provided they give previous security; first, that all supplies sent to the colony, whether of provisions, stores, or other articles which may be purchased by the capitalists there, or which shall have been sent out for the use of them or their parties on the requisition of the Secretary of State, if not paid for on delivery in the colony, shall be paid for at home, each capitalist being held liable in his proportion; and, secondly, that in the event of the establishment being broken up by the Government or Superintendent, all persons desirous of returning to the British Islands shall be conveyed to their own home at the expense of the capitalists by whom they may have been taken out. The passages of labouring persons, whether paid for by themselves or others, and whether they be male or female, provided the proportion of the sexes before mentioned be preserved, will be considered as an investment of capital, entitling the party by whom any such payment may have been made to an allowance of land at the rate of 15 pounds--that is, of 200 acres of land for the passage of every such labouring person over and above any other investment of capital.

"Any land thus granted which shall not have been brought into cultivation or otherwise improved or reclaimed from its wild state, to the satisfaction of the Government, within twenty-one years from the date of the grant shall, at the end of the twenty-one years, revert absolutely to the Crown.

"All these conditions with respect to FREE grants of land, and all contracts of labouring persons and others who shall have bound themselves for a stipulated term of service, will be strictly maintained.

"It is not intended that any convicts or other description of prisoners be sent to this new settlement.



"The Government will be administered by Captain Stirling, of the Royal Navy, as Civil Superintendent of the settlement; and a Bill, in the nature of a civil charter, will be submitted to Parliament in the commencement of its next session."

(\*Footnote. Ibid page 7 copy of old terms.)

The modified offer made by the Colonial Office, and contained in the letter of 5 December, differed materially from the original proposal of the syndicate. Their request for four million acres was cut down to a maximum of one million, and even that was made subject to conditions. The terms offered were the same as those proposed for the public at large. Priority of choice of land over all settlers, Captain Stirling alone excepted, was not granted in this offer. Correspondence regarding this point resulted in the Colonial Office allowing priority to the extent of 250,000 acres.\* In the opinion of members of the syndicate, the restrictions imposed by the Colonial Office upon their original plan rendered the success of the project impossible, and ultimately all withdrew with the sole exception of Mr. Peel.\*\* His faith in the venture was so great that on 28 January 1829\*\*\* he informed the Government that he was desirous of carrying on and completing it by himself on the terms approved by the Colonial Office for the syndicate. To this the Secretary of State consented, allowing him the same priority of choice as had been offered to the syndicate, but requiring that at least 400 settlers should be landed before 1 November 1829. If he fulfilled this condition, further investment of capital would entitle him to the remaining 750,000 acres. If he failed to land any settlers before the date specified, his priority of choice was to lapse and he was to be on the same footing as other settlers. At a later date it was provided that if he landed some settlers before 1 November 1829, he was to receive a portion of the reserve according to capital and settlers landed, conditionally upon the rest being landed before 1 May 1830; in that case, however, he would not receive a further grant of 750,000 acres.\*\*\*\*

(\*Footnote. Accounts and Papers 1829 volume 24 Swan River Settlement page 8 memorandum made by Hay 23 December 1828.)

(\*\*Footnote. Ibid page 9.)

(\*\*\*Footnote. Ibid page 9 Peel to Twiss.)

(\*\*\*\*Footnote. Dispatch from Murray to Stirling 29 July 1829.)

In the meantime new regulations, not quite so favourable, had been issued on 13 January 1829,\* allowing only ten years, instead of twenty-one as originally set forth, for bringing the land under cultivation. By a special permission, however, this part of the regulation was held not to apply to Mr. Peel.\*\*

(\*Footnote. Public Record Office Swan River Papers volume 1.)

(\*Footnote. Accounts and Papers 1829 volume 24 Swan River Settlement page 10 Twiss to Peel 28 January 1829 PS.)

Under these new regulations invested capital was to comprise stock of every description, all implements of husbandry and other articles applicable to the purpose of the productive industry or necessary for the establishment of the settler on the land where he was to be located, and the amount of any half-pay or pension received from the Government. Under the word "person" no child under ten years of age was to be

included, but 40 acres were allowed for every child under three years of age, 80 for every child under six, and 120 for every child exceeding that but under ten. The fee simple of the land was not to be granted in any case until 1 shilling and 6 pence per acre had been expended in cultivation or permanent improvement. At least one-fourth of the land was to be reclaimed from its wild state within three years, or a fine of 6 pence per acre incurred; and if nothing had been done at the end of ten years in all, the whole was to revert to the Crown. These conditions were to hold only until the end of 1830.

The Government agreed to bear the cost of the civil and military officers necessary, but allowed them to take land in lieu of pay.

When the decision to establish a colony was made known, there were numerous applications from persons desiring to emigrate. Some of these were people of means prepared to go out at their own expense, but others required free passages. These latter, in the absence of an emigration fund, and in face of the Government's determination to avoid all expense for emigration, were refused.\* In addition, there was apparently a second proposal to establish a settlement on a large scale in the new colony made by Mr. Nathaniel Ogle, who stated that he was desirous "from private information he had received, to emigrate, with nearly 1000 well-selected companions, to Leschenault and La Vasse. A frigate of nearly 1700 tons, built at Archangel for the Greeks, was selected: the capital ready was ample: it was deemed necessary to require the use of the ship on the coast for three years, to supply the colony with labourers, cattle, and provision. The Government, after much correspondence, refused them permission to use their ship for that period, because she was FOREIGN-BUILT (!); which caused the expedition to be abandoned--to his great and lasting regret."\*\*

(\*Footnote. Mills, R.C. Colonisation of Australia 1829 to 1842 London 1915 page 59. Dr. Mills had the opportunity of examining many of these letters in the Public Record Office.)

(\*\*Footnote. Ogle, N. Colony of Western Australia London 1839 page 251.)

Concurrently with these negotiations with private parties, the Government pushed on the official arrangements for the inception of the new colony. Owing to the personal knowledge of the country which he possessed and the enthusiasm he showed in advocating its claims, it was felt that the administration could not be entrusted to any other than Captain Stirling. A Scotchman by birth and a naval officer of many years' standing, he had gained a good deal of colonial experience in the colony of New South Wales, and had been instrumental in forming the settlements in the north and south of that territory. He was therefore peculiarly fitted to undertake the duties attendant upon the control of the new venture. At first it was a matter for consideration whether he should be merely a Civil Superintendent or should have the larger powers of a Lieutenant-Governor. By the time the conditions of settlement were laid down, the latter title was decided upon as being the more suitable, and it was also decided to award Stirling a priority of choice of 100,000 acres as some recompense for the services he had already rendered. This choice was exercised over the whole of Garden Island, with the exception of such portions as might be required for Crown purposes, together with sufficient land in the neighbourhood of Cape Naturaliste necessary to make up the full grant.\*

(\*Footnote. Accounts and Papers 1829 volume 24 Swan River Settlement page 11. Note. Stirling did not ultimately take the area of land which is marked on the chart inserted in the Parliamentary Paper referred to. In place of it he took a long strip of land extending from below Bunbury down to Wonnerup Inlet, as shown on the map attached, which has been prepared by the Lands Department of Western Australia from the title-deeds.)

At the time he received no definite commission as Lieutenant-Governor. In place of that he received a letter of appointment and instruction, which was dated 30 December 1828, and which held good for something over two years, until, in fact, 5 March 1831, when the first commission was issued appointing him Governor and Commander-in-Chief of Western Australia. The reason for the adoption of this course was explained in a dispatch forwarded to Stirling by the Secretary of State for the Colonies at the same time as the letter of appointment. This document clearly laid down the course to be followed in establishing the new settlement, and the full text of it will be found as Appendix 1.

Upon receipt of these instructions Captain Stirling at once set about the preparations for inaugurating the settlement. Stores and other requirements of value in the undertaking were rapidly secured, and the civil officers necessary for the control and government were chosen and appointed. These on the whole were admirably suited for the task of colonisation. The Colonial Secretary, Mr. Peter Brown (afterwards Broun) was a man who already possessed administrative experience; the duties of Harbourmaster were entrusted to Commander M.J. Currie, a naval officer of long standing; Dr. Charles Simmons was the medical officer, Mr. James Drummond the botanist and naturalist, and Mr. John Morgan the storekeeper, a position of no little moment in the new settlement. The most important office after that of Lieutenant-Governor was unquestionably that of Surveyor-General. This was conferred upon Lieutenant (afterwards Captain) John Septimus Roe, who had previously gained an intimate knowledge of the Western Australian coastline during the expeditions of Lieutenant King in 1818 to 1822. The officers and artificers were engaged at rates of salary and wages approved by the Secretary of State for the Colonies, Sir George Murray. In the matter of securing artificers some difficulty was encountered, and only three were obtained in time to leave by the first ship.\*

(\*Footnote. Letter from Stirling to Twiss 5 February 1829 in Public Record Office Swan River Papers volume 3.)

The *Parmelia*, a vessel of 449 tons register, Captain J.H. Luscombe, was chartered to convey the officials and their families, with the necessary supplies, to the Swan River, and H.M.S. *Sulphur* was commissioned\* for the purpose of transporting thither a detachment of the 63rd Regiment, which, under the command of Captain F.C. Irwin, had been detailed for the security and protection of the colonists.\*\*

(\*Footnote. Admiralty to Commander Dance 24 January 1829 *ibid* volume 3.)

(\*\*Footnote. Lord Fitzroy Somerset to Captain Irwin 1 January 1829 *ibid* volume 3.)

The necessary preparations being completed, the *Parmelia* sailed from Spithead on 6 of February with the first band of colonists to make a home in the new settlement of Western Australia.

On the 9th she was joined by H.M.S. *Sulphur* from Plymouth, with the detachment of soldiers on board, and the two vessels sailed in company for their destination, with hope strong in the hearts of all that the mission would result in a further successful expansion of the Empire of Great Britain.

Shortly after the departure of the expedition, a Bill was presented to the English Parliament "relative to the Government of His Majesty's settlements in Western Australia on the western coast of New Holland." This was passed on 14 May (10 George IV c.22) and provided that the King, with the advice of the Privy Council, might make, or might authorise any person or persons resident in the colony to make, such laws and ordinances as might be necessary for the peace, order, and good government of His Majesty's subjects within the settlement; that such laws, orders, etc., were to be laid before both Houses of Parliament as soon as practicable thereafter; that no part of the colonies of New South Wales and Van Diemen's Land was to be included in the new colony or settlements, and that the Act was to continue in force until the end of 1834. This period of continuance was extended by the various Acts from time to time until it was formally repealed by the passage of 13-14 Victoria c.59, which dealt with the government of the whole of the Australian colonies.

Almost coincidentally with the introduction of the Bill, there appeared in the *Quarterly Review* for April 1829 an article which strongly emphasised the advantages of colonising Swan River, and the "impression got abroad that the colony was to be founded by the Government or at any rate with its approbation and cooperation"; so much so, in fact, that the *Quarterly Review* article was suspected of being official.\* The article seems to have attracted public attention to the proposed settlement, and more especially to the tentative grant of land that had been made to Thomas Peel. It was stated that there was little inducement for any settler who did not obtain land from Peel, a statement which the Secretary of State denied by giving in the House of Commons the detailed history of the negotiations between Peel and the Government.\*\*

(\*Footnote. Mills, R.C. *Colonisation of Australia* page 58.)

(\*\*Footnote. Mills, R.C. *Colonisation of Australia* page 60. Dr. Mills refers to the suggestion that Peel's grant had been obtained through the influence of Sir Robert Peel, and points out that he had only asked Sir George Murray to give his relative "any facilities that he consistently could." Dr. Mills also refers to one of the caricatures against Peel which appeared about that time. Another one, a copy of which is in the Public Library at Perth, represents him with an open box, on the inner surface of the lid of which is drawn a swan, with the superscription, "A job for my country cousin." Out of the box are hanging long strips of orange peel. Peel is saying, "Peel! peel! wonderful peel! Swan River peel! family peel--good for everything--warranted Daddy's OWN manufacture, fresh, fresh from the jennies." The title reads: Peel, peel, Swan River peel! very fine peel!!! published in colour 6 June 1829 by J. Fairburn.)

Meanwhile, the two vessels were proceeding on their way. Nothing of any moment occurred until they reached Cape Town. There, through an unfortunate accident, Dr. Daly (the Assistant-Surgeon for the colony) and his eldest daughter were drowned while returning to the ship from the shore. After remaining in Table Bay for about a fortnight, during which some necessary repairs to the Sulphur were effected, the expedition left that port on 30 April for the Swan River. The warship, possessing poorer sailing qualities, was unable to keep up with the *Parmelia*, which proceeded on her course as rapidly as circumstances allowed in order to reach her destination before the wet season was too far advanced.\* During this latter part of the voyage the Lieutenant-Governor made all necessary arrangements for the administration and control of the settlement, so that as little time as possible might be lost after arrival in the organisation of the Government. Instructions were issued to the Civil officers, giving in detail the necessary directions for the management of their departments. On 16 May a document was issued constituting, without salary, a "Board of Counsel and Audit in the management of the property of the Crown, and of public property within the settlement." The members of the Board were Commander Currie, Lieutenant Roe, and Mr. William Stirling. Among the other duties assigned to this Board was that of valuing the stock and other property brought by colonists, so that the proper amount of land might be allotted to them. On the same date Mr. James Drummond was appointed as Superintendent (honorary) of Government farms and gardens, Mr. G.W. Mangles as Superintendent of Government stock, Mr. H.W. Reveley as Civil Engineer, Mr. William Stirling as Registrar, and Mr. H.C. Sutherland as Assistant Surveyor.\*\* In most cases no salary was attached to the appointment, a lack that was afterwards remedied. On 31 May land was sighted, and on the following day the *Parmelia* moved toward an anchorage in Cockburn Sound.\*\*\* In doing so she grounded on a bank between Carnac Island and the mainland, and was extricated only after considerable difficulty, and no little damage, by the exertions of the crew of H.M.S. Challenger, which had remained at Swan River to protect the flag until the settlers arrived. The winter season having commenced, and the weather being boisterous and stormy, Captain Stirling decided to land on Garden Island and there erect necessary buildings to protect the stores.\*\*\*\* On 8 June H.M.S. Sulphur put in an appearance,\*\*\*\*\* but it was not until the 16th that the detachment could disembark on the mainland and relieve the crew of the Challenger.\*\*\*\*\* This latter ship then determined to sail for India, but was prevented from doing so through the services of her artificers being required for the purpose of repairing the *Parmelia*, which had been rendered unseaworthy through grounding on *Parmelia* Bank. It was not until 28 August that H.M.S. Challenger finally departed, leaving H.M.S. Sulphur as protection for the settlement.\*\*\*\*\*

(\*Footnote. Roe, J.S. Log of voyage of *Parmelia* manuscript in possession of Mrs. J.B. Roe, Perth.)

(\*\*Footnote. Stirling to Sir George Murray 10 September 1829 enclosure Number 9 Swan River Papers volume 3.)

(\*\*\*Footnote. Stirling to Twiss 25 August 1829 and Stirling to Sir George Murray 10 September 1829 Swan River Papers volume 3.)

(\*\*\*\*Footnote. Ibid.)

(\*\*\*\*\*Footnote. Ibid. See also Journal and Proceedings of H.M.S. Challenger 10 March to 29 August 1829 Captains' Journals Number 3096.)

(\*\*\*\*\*Footnote. Ibid.)

(\*\*\*\*\*Footnote. Journal and Proceedings of H.M.S. Challenger quoted above. See also Captain Fremantle to J.W. Croker Admiralty 8 October 1829 Swan River Papers volume 7.)

On 18 June Captain Stirling and party landed on the mainland at Rous Head and issued a proclamation (Appendix 2) thus effecting the actual settlement of Western Australia.

The proclamation was published both on the mainland (by Captain Irwin) and on Garden Island, and on the same day orders were issued confirming the appointments which had been made on the course of the voyage.\*

(\*Footnote. Brown, Peter (Colonial Secretary) Journal of Events connected with the Public Service. Attached to Stirling's dispatch of 10 September 1829 Swan River Papers volume 3.)

The strong winds and rough seas consequent upon the season of the year made regular and continual communication with the mainland both difficult and dangerous. It was therefore deemed wise to postpone the work of selecting permanent town-sites, and in the interval temporary buildings to house the colonists and stores were erected on Garden Island, some of which continued in occupation even after the removal of the settlement, as it was thought safer to house the bulk of the stores on the island, bringing them across from time to time as necessity required. A portion of the scrub was also cleared, and the seeds brought from England and the Cape were planted, so that, though late, they might have the advantage of the portion of the season still remaining.\*

(\*Footnote. Stirling to Twiss 25 August 1829 Swan River Papers volume 3.)

During the month of July two exploring parties were sent out in order to secure all the information possible concerning the districts within easy reach of the Swan River. The first of these, under the control of Lieutenant Henry of the Challenger, proceeded to discover the source of the Canning River, and to examine the country lying between the mountains and the sea. The party covered altogether a distance of over one hundred miles, and found that, with trifling exceptions, the soil was well adapted to agriculture.\* The second expedition, under Commander Currie, explored the country south and south-east of the Swan for a distance of about ten miles, finding a river and several freshwater lakes, and further extending the area of possible cultivation.\*\*

(\*Footnote. Cross, J. Journals of Expeditions made in Western Australia 1829 to 1832 London 1833 pages 1 to 5.)

(\*\*Footnote. Stirling to Twiss 25 August and Stirling to Sir G. Murray 10 September 1829 Swan River Papers volume 3.)

Meanwhile, Captain Stirling and his officers having decided to found two towns, one at the mouth of the river to serve the purposes of a seaport and one farther inland as the seat of government, landed on the mainland to select suitable sites.\* That for the port was quickly chosen on the south bank of the Swan, at its mouth, and was named Fremantle in honour of the captain of the Challenger. The other selection proved

more difficult, but after closely following the course of the Swan for some miles they finally fixed upon a spot just above the junction of the Swan and the Canning as the best position for the seat of government, to which they gave the name of Perth, out of compliment to the Secretary of State for the Colonies, who was the member for Perth in Scotland.\*\*

(\*Footnote. Ibid.)

(\*\*Footnote. Extract from letter 12 September 1829 from H.M.S. Sulphur published in the Glasgow Courier 13 February 1830.)

That the site chosen was admirable in every way must be admitted, even though for the time being it was difficult of access from Fremantle, which was on the south side of the river. Overshadowed by Mount Eliza, with a broad expanse of water before it, and the river flats, where Stirling had experienced difficulties in 1827, stretching out beyond it, it made an ideal spot for what was to become the capital of a great State. No doubt the existence of these flats, which seemed to promise well for agricultural development, in part at any rate led to the selection of that particular place. The site having been settled, notice was given that the first stone of the new town of Perth would be laid on 12 August, the date of King George IV's birthday. The ceremony was performed by cutting down a tree on the allotment set apart for the military barracks.\*

(\*Footnote. Stirling to Twiss 25 August and Stirling to Sir G. Murray 10 September 1829 Swan River Papers volume 3.)

During August other vessels arrived with settlers and stock. These new colonists, as well as the first arrivals, were all anxious to receive locations of land as quickly as possible, for though there was little or no opportunity of doing anything in the way of cultivation at the time, they were desirous of making preparation for the following season. The Surveyor-General and his assistants were kept busy making rough but fairly accurate surveys of locations applied for. All these applications made the issue of land regulations imperative, and on 28 August\* the first land regulations for the colony were proclaimed. These provided that the territory should be divided into counties, hundreds, townships, and sections; each section to be 640 acres in extent, each township 25 sections, each hundred 4 townships, and each county 16 hundreds. In each county 600 sections were reserved by the Government for public expenses, educational support and endowment, cost of public works, and the administration of justice. Land was not to be open to location until surveyed, and was then to be granted only in complete sections. No allotment was to have river frontage of more than one-fourth its exterior boundary. No second location was to be granted to any person who had not fulfilled the conditions of improvement with regard to the first, and no grant was to be made to indentured servants or to persons coming to the colony at the expense of others. Three square miles were reserved as the site of the town of Perth. These were to be split up into allotments of nine to ten acres each, to be held, according to instructions from the Colonial Office, on a twenty-one years' lease, with the right of the Government to resume if necessary for public purposes upon paying compensation, these leases to become freehold if not resumed within the period stated, and to carry at all times the right of sale or assignment. They were also to be subject to such rates as the Government might deem necessary to impose. The same conditions were to prevail with regard to Fremantle. Persons possessing land in

the settlement at large were to have the right to a free grant in the vicinity of a township in the ratio of one acre for every 1000 acres held by them. The general conditions as to the assessment of property upon which land would be granted and the quantity to be so granted, as laid down in the Colonial Office circular of January 1829, were incorporated, and the following mode of procedure for taking up grants was laid down:

"All persons who may be desirous to receive allotments of land are to make application to the Lieutenant-Governor according to the form which will be furnished to them at the office of the Colonial Secretary. If the application be admissible, it will be referred to the Board of Commissioners for the management of Crown property, who will report to the Lieutenant-Governor the extent of land to which the applicant may appear to be entitled, upon a strict examination of property imported by him.

"The kinds of property on which claims may be founded are only such as are applicable to the improvement and cultivation of land, or necessary in placing the settler on his location; and the value thereof will be estimated by the Commissioners according to such fair standard of reference as they may see fit to adopt.

"On receiving the report of the Board, the Lieutenant-Governor will accord permission to the applicant to proceed to select such land, to the extent recommended, as may suit his particular views, and having selected, the applicant is to make his selection known to the Surveyor-General by filling up the form which may be attached to the permission to select. This report of selection will be examined by the Surveyor-General and transmitted by him to the Lieutenant-Governor, with such remarks as may be necessary to enable the Lieutenant-Governor to decide on the propriety of the allotment being made, and if no prior claim to the land in question or other objection exist, the applicant will receive a grant thereof, in the usual form of a primary conveyance.

"Land thus granted will belong in perpetuity to the grantee, his heirs, and assigns, to be held in free and common socage, subject, however, to such reservations and conditions as may be stated in the conveyance."

(\*Footnote. Stirling to Sir G. Murray 10 September 1829 enclosure Swan River Papers volume 3.)

Then follows the description of the liabilities in the way of rates and taxes to which the land was subject, as well as the provision that no settler could, without special permission, sell his land until he had improved it to the extent of 1 shilling and 6 pence per acre.

The surveys of the town sites of Perth and Fremantle were quickly completed, and on 5 September the first allotments were taken up. In Perth the purchasers, either on leasehold or in fee simple, were F.C. Irwin (the officer commanding the troops) Reverend J.B. Wittenoom (the Colonial Chaplain) May Hodges, George Leake, and P.P. Smith; in Fremantle the first allotments fell to William Lamb, John Hobbs, Lionel Samson, and Thomas Bannister.\* There was only one other lot sold in Fremantle in 1829, the purchaser being John Bateman, but in Perth there was more demand. There we find that during the remaining months of the year land was either



leased or sold to John Septimus Roe (the Surveyor-General) Dr. Simmons, William Shaw, John Morrell, John Tichbon, Thomas Davis, William Hoking, Thomas Bannister, James Henty, James McDermott, Samuel Cox, Richard Jones, Hugh Macdonald, David Paterson, George Embleton, William Leeder, Henry Trigg, William Nairne, Robert M. Lyon, and C. Browne.\*\*

(\*Footnote. Year Book of Western Australia 1902 to 1904 page 32; see also Records of Lands Department Perth.)

(\*\*Footnote. See Records of Lands Department Perth.)

In addition to making the necessary surveys in Perth and Fremantle, Lieutenant Roe was able, during the first three months after his arrival, to make surveys of the surrounding country sufficiently accurate for the purpose of making grants in accordance with the regulations. The first of these, as shown by the records, were made on 29 September to the following grantees:\* R.H. Bland, 8000 acres; Peter Brown (Colonial Secretary) 5000 acres; Charles Boyd, 640 acres; W.T. Dance (captain of the Sulphur) 5000 acres; William Dixon, 2268 acres; Sir James Hume, 2666 acres; George Leake, 14887 acres; Colonel P.A. Lautour, 10,000 acres; Dr. John Whattley, 1500 acres; John Septimus Roe, 3100 acres; Lionel Samson, 4696 acres; and Charles Ridley, 1750 acres. All these grants were close to the Swan River, many of them with river frontage. The reasons for this were that the soil seemed more promising and the river afforded an easy method of transit. Other assignments on account of capital invested that were made during 1829 were C.H. Fremantle (captain of the Challenger) 5000 acres in the interior; Thomas Bannister, 2000 on Canning River; Henry Camfield, 1000 on the Swan River; M.C. Carew, 100 on the Helena; John A. Dutton, 3600 on the Canning; P.H. Dod, 2000 on the Swan; John O. Davis, 7026 on the Canning; R. Dawson, 1280 on the Canning; James Drummond (the botanist) 1000 on the Swan and 100 on the Helena; Joshua Gregory, 1000 on the Swan; John Hobbs, 4000 on the Canning; William Lamb, 8119 on the Swan; Colonel Lautour, 100 on the Helena; R. Wardell, 1000 on the Swan; Daniel Scott, 4000 on the Swan; William K. Shenton, 100 on the Helena; W.H. Mackie and F.C. Irwin, 200 on the Swan; and P. Rogers, 4000 on Canning River.\*\* According to the official statistics 525,000 acres were granted by the end of the year, including the original grant of 100,000 acres to Captain Stirling and the 250,000 conditionally granted to Mr. Peel, who arrived with his immigrants about the middle of December.

(\*Footnote. Ibid.

(\*\*Footnote. Note. In order to secure land in accordance with the Regulations, each settler was required to submit to the Board of Counsel and Audit a sworn statement setting out the property brought by him, together with the cost of his own, his family's, and his servants' passages. The Board then determined, (a) the property that could be deemed to be usable for the purposes of the colony, and (b) the value to be placed upon it. Upon that value was assigned to the applicant in accordance with the conditions on the basis of forty acres for every 3 pounds. The original statements of many of the settlers are still to be found filed in the Records of the Colonial Secretary's Office, Perth. It is interesting to note that Benjamin Goodman, one of the dissatisfied settlers, who wrote to the Secretary of State from Hobart on 1 December 1829, claimed land to the value of 220 pounds in cash, which he possessed on arrival at Swan River. In his affidavit of property, however, he set down 75 pounds as the amount of cash in his

possession. The value of the property upon which land was granted amounted to 21 pounds.)

But all these vast areas of land were at that time virgin forest, and though the possessors were potentially rich, they were actually suffering all the privations and discomforts incident to settlement in a new country. They were even without homes, with the exception of such rude shelters as they could make for themselves, and they had practically no means of subsistence beyond the supplies they had brought and such further provisions as ships expected to arrive from time to time might bring. Their condition was certainly not one to be envied. Though many of them were of first-class family "and possessed of considerable property,"\* they were in great measure unprepared for the trials they had to face, and were not inured to the privations that must necessarily befall those who hope to wrest a livelihood from the wilds of nature.\*\* Their difficulties were greatly increased by the fact that they arrived at the height of the winter season, and were prevented by the cold and rain from making much headway for some considerable time. But all their trials were borne with stout hearts, and they struggled manfully forward, strong in their determination to succeed. The state of the settlement during the first few weeks of its existence may be fairly well estimated from the dispatch forwarded by the Lieutenant-Governor to the Secretary of State on 9 September 1829:

"Exposure to the winds and rain of a boisterous winter," he said, "has been the most serious evil we have encountered, but that and other privations incident to such an undertaking have been borne with cheerfulness and overcome with proper spirit by all the individuals forming the civil and military establishment. Among the settlers since arrived, some disappointment has arisen in consequence of their being in general but little accustomed to encounter hardships, and in all cases too sanguine in the expectations they have entertained respecting the country. But as the weather has improved they have been enabled to extend their explorations and attain more comfort, and I believe there is now existing among them a cheerful confidence in the qualities of the country and a general belief in its future prosperity...Up to the present period no event of a nature wholly unexpected or very important has occurred in the prosecution of the service, except that the western coast of New Holland was taken possession of in His Majesty's name by Captain Fremantle, and that the settlement has subsequently been commenced and proceeded in. The progress made in the erection of storehouses and temporary buildings for the civil establishment, in landing the stores and provisions, and in exploring the country has been very considerable when viewed with reference to the season of the year and to the means at the disposal of the local government. The weather at the period of my arrival being extremely boisterous, I was forced to disembark the people and stores on Garden Island, the communication between the ships and the mainland being too unsafe and uncertain during the winter season to admit of their being placed at any other point. Since then as the weather has improved I have removed such persons and stores as have been necessary to the sites of the towns of Perth and Fremantle, but I intend to keep the principal depot of provisions and stores still at Garden Island, carrying over as they are wanted the articles therein deposited. The arrival of two other ships with settlers making it necessary to have locations prepared for them, I have been under the necessity of interrupting the general survey of the surrounding coast and country for the purpose of laying out the town of Fremantle at the entrance of Melville Water as a landing port, and also the town of Perth near the island on the Swan River, with a view of its

being in the neighbourhood of those who may wish to cultivate the rich lands immediately above it on the river...The settlers have already made selection of town lots in each place and are proceeding with alacrity in the preparation of buildings."

(\*Footnote. Further returns from Swan River Settlement House of Commons Papers 1831 Number 66.)

(\*\*Footnote. Stirling to Twiss 26 January 1830.)

During September the civil establishment was removed to Perth and the settlement began to acquire something of a permanent appearance. A cottage for the Lieutenant-Governor was erected not far from the present site of Government House, and the various departmental offices were built in close proximity to it, so that the work of administration could be carried on more easily. Houses of more or less permanent character began to arise, and the first place of worship--for the Church of England--was erected through the earnest solicitation as well as by the actual assistance of the Colonial Chaplain, the Reverend J.B. Wittenoom.

Between then and the end of the year several ships arrived with settlers, stock, and provisions. Among these was the *Gilmore*, with Thomas Peel and his party of immigrants and servants on board, which arrived early in December. As Peel had not carried out his agreement with the Government, his priority of choice over 250,000 acres lapsed,\* but he was granted a location extending from Cockburn Sound to the Murray River, being viewed by Governor Stirling as a common settler meriting an equal extent of property, in accordance with the Secretary of State's instructions of 29 July.

(\*Footnote. The land held under priority was thrown open to settlers early in November. See Extracts of Letters from Swan River third series London 1830 pages 1 and 13.)

The conditions under which Peel's venture was entered upon were liberal enough to have ensured success for any capably managed expedition, but Peel seems to have been utterly incompetent. Owing to lack of management on his part, and to his failure to provide those whom he had brought out with food and clothing according to his contract with them, most of them deserted and struck out for themselves. In fact, almost from the date of their landing it was evident that the project was doomed to failure.\* Writing to Under Secretary Hay in July 1830, John Morgan, the Colonial Storekeeper,\*\* stated that Peel was a ruined man unless some competent person arrived speedily to manage his affairs, that he was totally incapable of conducting the establishment himself, and had no one competent to do so for him. In consequence his people were wretchedly provided for, and thirty-seven of them had actually died. Beyond merely bringing the people out, Peel did not fulfil any of his conditions with the Government, and, in consequence, protracted correspondence ensued. Finally, on 25 September 1834, he made formal application to the Governor for a grant of 250,000 acres of land on conditions of general improvement.\*\*\* In compliance with this request he was granted, on 25 November following, the fee simple of the land now known as Cockburn Sound Location 16 "in consideration of certain location duties performed to the satisfaction of Governor Stirling."\*\*\*\* Here he settled down in solitary grandeur, an embittered and disappointed man, doing little or nothing to

improve his vast estate, and died at Mandurah some thirty years latter in comparatively indigent circumstances.\*\*\*\*\*

(\*Footnote. Stirling, E. Brief History of Western Australia pages 4 and 5.)

(\*\*Footnote. Morgan to Hay 14 July 1830 Swan River Papers volume 7.)

(\*\*\*Footnote. Colonial Secretary's Office Records Western Australia filed in Public Library Perth.)

(\*\*\*\*Footnote. Western Australian Year Book 1902 to 1904 page 23. See also Map attached.)

(\*\*\*\*\*Footnote. Stirling, E. Brief History of Western Australia page 5.)

A vivid and interesting, but not altogether accurate, account of Peel's failure and the causes of the straits to which the colony was reduced in its early days was given by Edward Gibbon Wakefield before the Committee of the House of Commons on Waste Lands in 1836, on the authority, he stated, of one of Peel's agents:

"That colony, which was founded with a general hope in this country, amongst very intelligent persons of all descriptions, that it would be a most prosperous colony, has all but perished. It has not quite perished, but the population is a great deal less than the number of emigrants; it has been a diminishing population since its foundation. The greater part of the capital which was taken out (and that was very large) has disappeared altogether, and a great portion of the labourers taken out (and they were a very considerable number) have emigrated a second time to Van Diemen's Land and New South Wales. The many disasters which befell this colony (for some people did actually die of hunger) and the destruction of the colony taken out to the Swan River, and the second emigration of the people who went out, appear to me to be accounted for at once by the manner in which land was granted. The first grant consisted of 500,000 acres to an individual, Mr. Peel. That grant was marked out upon the map in England--500,000 acres were taken round about the port or landing place. It was quite impossible for Mr. Peel to cultivate 500,000 acres, or a hundredth part of the grant; but others were, of course, necessitated to go beyond his grant in order to take their land. So that the first operation in that colony was to create a great desert, to mark out a large tract of land, and to say, "This is desert--no man shall come here; no man shall cultivate this land." So far dispersion was produced, because upon the terms on which Mr. Peel obtained his land, land was given to the others. The Governor took another 100,000 acres, another person took 80,000 acres; and the dispersion was so great that, at last, the settlers did not know where they were; that is, each settler knew that he was where he was, but he could not tell where anyone else was; and therefore, he did not know his own position. That was why some people died of hunger; for though there was an ample supply of food at the Governor's house, the settlers did not know where the Governor was, and the Governor did not know where the settlers were. Then, besides the evils resulting from dispersion, there occurred what I consider almost a greater one; which is, the separation of the people and the want of combinable labour. The labourers, on finding out that land could be obtained with the greatest facility, the labourers taken out under contracts, under engagements which assured them of very high wages if they would labour during a certain time for wages, immediately laughed at their masters. Mr. Peel carried out altogether about 300 persons--men, women, and children. Of those 300 persons, about sixty were able labouring men. In six months after his arrival he had nobody even to make his bed for

him or to fetch him water from the river. He was obliged to make his own bed and to fetch water for himself, and to light his own fire. All the labourers had left him. The capital, therefore, which he took out, namely, implements of husbandry, seeds, and stock, especially stock, immediately perished; without shepherds to take care of the sheep, the sheep wandered and were lost; eaten by the native dogs, killed by the natives and by some of the other colonists, very likely by his own workmen, but they were destroyed; his seeds perished on the beach; his houses were of no use; his wooden houses were there in frame, in pieces, but could not be put together, and were therefore quite useless, and rotted on the beach. This was the case with the capitalists generally. The labourers, obtaining land very readily, and running about to fix upon locations for themselves, and to establish themselves independently, very soon separated themselves into isolated families, into what may be termed cottiers, with a very large extent of land, something like the Irish cottiers, but having, instead of a very small piece of land, a large extent of land. Everyone was separated, and very soon fell into the greatest distress. Falling into the greatest distress, they returned to their masters, and insisted upon the fulfilment of the agreements upon which they had gone out; but then Mr. Peel said, 'All my capital is gone; you have ruined me by deserting me, by breaking your engagements; and you now insist upon my observing the engagements when you yourselves have deprived me of the means of doing so.' They wanted to hang him, and he ran away to a distance, where he secreted himself for a time till they were carried off to Van Diemen's Land."\*

(\*Footnote. House of Commons, Accounts and Papers 1836 volume 2 page 499 answer to question 591.)

Although the success which it was hoped would attend the colony from its inception was far from realised, its failure was not so complete as Wakefield would have us believe. It is more than probable that the fact that he was interested in securing a fixed price for colonial crown lands, and was endeavouring at that time to found a colony in the south of Australia based upon his principles of colonisation, may have induced him to overstate the case, but it need not have led him into definite misstatements. Peel's grant did not comprise 500,000 acres, nor was it located as marked on the map of 1829.\* The actual grant extended "from Cockburn Sound to the Murray River near Cape Bouvard and thence up that river twenty-five miles from its source."\*\* This was some miles to the south of Fremantle. Stirling's grant also occupied a different position from that marked on the map mentioned, and the nearest point of it to Perth was over 120 miles distant. The assertion that some settlers died from hunger was denied by Captain Irwin, who was Commandant of the Forces when the colony was established,\*\* but against that denial we should perhaps place the Colonial Storekeeper's statement that thirty-seven of Peel's people had actually died,\*\*\*\* from one cause or another, an unusually large number in so small a community. There is abundant evidence, both in the Governor's dispatches and in private letters and diaries, that indentured servants caused a considerable amount of trouble, that they were continually asking for more than their indentures provided, and that, at times, they deserted.\*\*\*\*\* They were, however, usually punished for any failure to fulfil their contracts. Peel's servants were either discharged by him or liberated by the magistrates by the middle of 1830,\*\*\*\*\* the few who remained being assisted with provisions from the government stores.\*\*\*\*\* Wakefield's statement that desertions occurred because the servants could easily obtain land for themselves was not true, for the land regulations of 28 August 1829 especially provided that indentured

servants or assisted persons must fulfil their agreements before they could obtain land. The whole position with regard to indentured servants was perhaps not inaptly summed up in a letter to the Secretary of State: "Indented servants are of no use. Almost every settler is obliged to dismiss his indented servants for idleness, disobedience to orders, or drunkenness, and so soon as they obtain their liberty they embark for either Hobart or Sydney. I have been ruined by laying out money in the way recommended by the Government in their public regulations."\*\*\*\*\* Peel's failure was due partly to his absolute ignorance of pioneering difficulties, and partly to his lack of ability to manage an undertaking of such magnitude. To these may be added the difficulties caused by his impetuous nature and lack of discretion.\*\*\*\*\*

(\*Footnote. Ibid 1829 volume 24 map attached to correspondence regarding Swan River settlement. See also Map.)

(\*\*Footnote. Stirling to Twiss 26 January 1830.)

(\*\*\*Footnote. Irwin, F.C. State and Position of Western Australia London 1835 page 37.)

(\*\*\*\*Footnote. Morgan to Hay 14 July 1830.)

(\*\*\*\*\*Footnote. Stirling to Sir George Murray 12 March 1831; Colonists' Memorial to Secretary of State 2 September 1831; Irwin, F.C. State and Position of Western Australia page 35; Moore, G.F. Diary of Ten Years' Eventful Life of an Early Settler in Western Australia London 1884 pages 60, 86 to 89, 142, 176, 197, etc.)

(\*\*\*\*\*Footnote. Stirling to Secretary of State 18 October 1830.)

(\*\*\*\*\*Footnote. Ibid.)

(\*\*\*\*\*Footnote. Lyon, R.M. to Secretary of State 11 February 1831 Swan River Papers volume 9.)

(\*\*\*\*\*Footnote. Mills, R.C. Colonisation of Australia page 68.)

Another emigration scheme, concerning which there is very little record, appears to have been entered upon by Colonel P.A. Lautour, whose agent, Richard Wells, arrived in the colony with eighty-five servants and considerable stock on 5 August 1829,\* and who received a grant of over 100,000 acres. The only record of the fate of this scheme, beyond occasional letters asking for loans which are filed in the Colonial Secretary's Office, appears to consist of a statement made by Stirling to the Secretary of State in his dispatch of 18 October 1830, in which he states that the establishment has been broken up and the servants discharged "as the schemes (Peel and Lautour) had been undertaken without a proper provision of funds and stores in this country for their maintenance." At a later date\*\* Lautour suggested that he should be allowed to take out 300 of those convicts who had lately been convicted of riots in England. The suggestion was not accepted.\*\*\*

(\*Footnote. Stirling to Sir George Murray 20 January 1830 enclosure Number 2.)

(\*\*Footnote. Colonel Lautour to Lord Howick 9 January 1831. A similar proposal was made to the Secretary of State on 17 January 1831 by James Mangles.)

(\*\*\*Footnote. Note. Two other proposals for emigration on a large scale were laid before the Colonial Office during the early years of the settlement: one made in May 1829 by Richard Badnall (Badnall to Twiss 29 May 1829 New South Wales volume 207) and a second by Edward Merrell in December 1832 (Merrell to Hay 19 December 1832 Swan River Papers volume 11). Neither of these proposals appear to have gone beyond the tentative stage.)

The alluring prospects held out to emigrants induced many besides those included in the above schemes to try their fortunes in the new colony. In order to have land ready for these, and at the same time to increase the knowledge of the country lying outside the immediate settlement, several exploring expeditions were sent out in the latter part of 1829. Lieutenant Preston of H.M.S. Sulphur and Dr. Collie examined during November the coastline and adjacent country between Cockburn Sound and Geographe Bay, paying particular attention to the rivers and to the suitability of the soil for cultivation. In December, Ensign Dale of the 63rd Regiment, who had previously endeavoured to trace the source of the Helena River, made a further attempt. He followed the stream until it became a mere chain of ponds, and then returned bringing back the information that the country toward the coast did not give much promise in the way of agriculture, though it offered fairly good pasture for sheep. In the same month Dr. Wilson, R.N., left the settlement at King George's Sound with a small party, intending to proceed toward the Swan River. Though he did not go far in the direction aimed at, he passed through some of the best country from a scenic point of view in Western Australia, and in the course of his wanderings discovered the Denmark River. Dr. Wilson's report of the trip spoke highly of the character of the soil in general, though some of it he admitted was "as miserable and useless as any to be found in New South Wales."\*

(\*Footnote. Cross. Journals of Several Expeditions in Western Australia 1829 to 1832 pages 6 et seq.)

The total population of the colony at the end of the year was 1290, of whom 850\* were permanent residents, the greater part of the remainder forming the complement of the ships then at anchor, one of these being H.M.S. Success, which grounded on entering Challenger Passage and received injuries that took twelve months to repair. To carry out these repairs she was beached at that portion of Cockburn Sound since known as Careening Bay. The value of the property brought by the settlers up to this time was about 45,000 pounds, the proportion of which that was applicable to the improvement of land, and upon which land was granted according to the regulations, being 41,550 pounds.\*\*

(\*Footnote. Stirling to Sir George Murray 20 January 1830.)

(\*\*Footnote. Ibid. From 29 October 1829 to June 1830 the amount of property brought was 73,260 pounds, of which 52,239 was applicable to the improvement of land. Stirling to Secretary of State 18 October 1830 enclosure A2.)

On 20 January 1830, Captain Stirling addressed a dispatch to the Colonial Office embracing a report of the various matters we have already referred to, and giving, in addition, some important information as to the class of people arriving in the colony. Those who came as settlers, having a certain amount of capital, were on the whole

highly respectable and independent persons, but the same could not be said of their workmen and servants. In many cases these seemed to have been recruited from parish outcasts, or engaged without any reference to character, and had consequently caused great inconvenience by their drunken and disorderly habits. So troublesome had these people become, the Governor reported, that he had found it necessary to appoint a magistracy, whose chairman, Mr. W.H. Mackie, was "a gentleman bred to the law," and to engage a number of constables, for the purpose of preserving order in the settlement. We also gather from the document that even at this early stage depression had made itself felt in the affairs of the young colony.

"Among so many settlers there could not be a great number with minds and bodies suited to encounter the struggles and distresses of a new settlement. Many, if not all, have accordingly been more or less disappointed on arrival either with the state of things here or their own want of power to surmount the difficulties pressing around them...From this depression, however, the active and stout-hearted have now recovered, and ten or twelve of the leading men of the settlement having occupied their grounds, and having declared themselves fully satisfied with the quality of the soil and the condition of their cattle, I consider the undertaking is now safe from the effects of a general despondency, which at one time threatened to defeat the views of His Majesty's Government in this quarter."

The dispatch then went on to discuss the climate and the general prospects of the settlement. The climate, of which the Lieutenant-Governor had had practically a year's experience, he found "favourable to health in an uncommon degree," though owing to the heat of December and January "the workmen have not been able to work in the sun from 10 to 3 o'clock!" In regard to the general prospects, the opinion was expressed that the land suitable for tillage was somewhat limited in area, but that there ought to be a good future both for pastoral pursuits and fruit culture, more particularly of temperate and sub-tropical fruits. The position of the settlement, he considered, was an excellent one for developing an eastern trade in British manufactures. But though on the whole the prospect was a favourable one, Captain Stirling was careful to point out that practically everything depended on the right class of immigrant being secured. "The greater part," he said, "incapable of succeeding in England, are not likely to prosper here to the extent of their groundless and inconsiderate expectations. Many of the settlers who have come should never have left a safe and tranquil state of life; and if it be possible to discourage one set of people and to encourage another, I would earnestly request that for a few years the helpless and inefficient may be kept from the settlement, while to the active, industrious, and intelligent there may be assured with confidence a fair reward for their labours. This country may at no distant period absorb, with advantage to Great Britain and herself, an immense migration of persons, any great portions of which if sent forward too soon will ruin her prospects and their own."

In a semi-private letter\* which was forwarded by the same vessel as the preceding dispatch, the Lieutenant-Governor ventured the opinion that the rush of settlers had been due to the exceedingly liberal land laws, and also to the fact that no convicts were to be sent to the colony. As to the class of people arriving, he was still more emphatic than in his official utterance upon the point that there are "many who will be ruined by their own groundless expectations and helpless inefficiency." Discussing in this letter the future prospects of the colony, Captain Stirling urged that his



experience during the first six months of his administration had convinced him that the English Government must either decide to give up the settlement altogether or else must establish it definitely as a Crown Colony, with a regular commission to the Governor, proper machinery for enacting ordinances, and a system of finances with provision for raising revenue and expending money, subject, of course, to revision by the Home authorities. The arguments used in this communication appear to have had considerable weight, as in reply Captain Stirling was informed that a commission was in course of preparation which would contain the authority in matters of administration that had been sought.\*\* In this dispatch the Secretary of State agreed with Stirling's view that the helpless and inefficient type of emigrant should be discouraged, but every inducement held out to the industrious and intelligent. He pointed out, however, that it would be difficult to make this discrimination, as the tide of emigration seemed to set strongly towards the settlement at Swan River notwithstanding some unfavourable accounts which had reached England.

(Footnote. Stirling to Twiss 26 January 1830.)

(\*\*Footnote. Sir George Murray to Stirling 20 July 1830.)

The history of the colony up to the end of 1830 is practically confined to a record of the early struggles of the pioneers, of the alienation of land under the system of grants, and of exploration of the country. Even though, at the beginning of the year, the reports of the inefficient section of the community were beginning to reach England, there was no diminution in the stream of immigration. In fact, so great was the influx that the local Government found it necessary to import provisions and stock from the Cape, the East Indies, and the other Australian colonies in order to prevent the possibility of famine occurring before the colonial lands and stock commenced to make some return. The result of this importation was not, however, satisfactory. In the absence of proper storehouses, much of the grain was spoilt by exposure to the weather or ruined by white ants and other vermin, while a number of the cattle wandered away into the bush and either died or became wild.\*

(\*Footnote. Irwin, F.C. State and Position of Western Australia page 45.)

While those who arrived later missed many of the hardships which the first arrivals had to undergo, they had the same strenuous battle to fight when their grants were apportioned. Among them, however, were practical farmers from the agricultural counties of England, all possessed of at least moderate capital, and these soon began to show actual results for their labour. In fact, a more hopeful air began to pervade the whole community. Many were engaged in clearing their grants and sowing crops, employing their spare time in attempts at brickmaking, so as to improve their general condition by the erection of more comfortable houses.\* Their want of knowledge of the climate, however, caused a good deal of suffering during the wet season. The winter rains of 1830 were particularly heavy, so much so that the river overflowed its banks and brought considerable loss and damage to those who were temporarily residing on the flats waiting for their grants, or who had elected to build permanent homes on the lower levels. The shipping at Fremantle also suffered in no small degree. Four vessels broke loose from their moorings and were driven ashore, one of them, the Rockingham, becoming a total wreck on that part of the coast which has since borne the name.\*\*

(\*Footnote. Ibid pages 52 to 60.)

(\*\*Footnote. Stirling, E. Brief History of Western Australia volume 1 page 5.)

Much trouble was also experienced with the cattle and sheep during the year. Many of the cattle got away into the bush, and the scab disease, introduced by some flocks brought from Tasmania, greatly lessened the small number of sheep in the colony.

Meanwhile the alienation of land was proceeding apace, and among those recorded as having received grants during the year we find many--J. and J.W. Hardey, J.S. Roe, Stephen and James Henty, W.L. Brockman, E. Barrett Lennard, J.H. Monger, A.H. Stone, J.S. Clarkson, Robert Dale, W.K. Shenton, and others\*--whose names have been graven deep in the annals of their adopted country. There being very little available land remaining on the banks of the Swan or within reasonable reach of Perth or Fremantle, it became necessary, in order to accommodate many of these applicants, to extend the boundaries of the settlement. With that end in view a further examination of the country southward along the coast was made by the Lieutenant-Governor.\*\* This resulted in the establishment of a military station at Port Leschenault, where the present town of Bunbury stands. A new county was thus added to the colony, and by Government notice every endeavour was made to induce those applying for land to select it in that district. Unfortunately for its progress, enormous areas were taken up by Colonel Lautour, the Henty Brothers, and others, but no immediate use made of the land, so that for many years the district made no headway at all. The settlement became little more than a name; even Captain Stirling seems to have been disheartened, as the military detachment stationed there was withdrawn before the end of the year.\*\*\* It is worthy of note that the grant, 103,000 acres, made to Colonel Lautour formed the location upon which an attempt was made at a later period to establish the town of Australind.

(\*Footnote. See records of Lands Department and Colonial Secretary's Office Perth.)

(\*\*Footnote. General report on the progress of the colony up to March 1831 enclosed in Stirling's dispatch to Sir George Murray 13 March 1831.)

(\*\*\*Footnote. Ibid.)

About the same time (April 1830) the country near King George's Sound was thrown open\* under the name of Plantagenet County. Here grants were made to Dr. Collie, Captain Bannister, Lieutenant Preston, and J.L. Morley, but, as in the case of Port Leschenault, no attempt at immediate cultivation was made.

(\*Footnote. Western Australian Year Book 1902 to 1904 page 32.)

Partly in order to do something in the way of assisting discharged servants, who had completed their term of service, to become good settlers, the town of Guildford was surveyed in the following month, and blocks of four and five acres each were granted to these people, with the intention that they should assist one another and eventually form a cooperative settlement.\*

(\*\*Footnote. General report on the progress of the colony up to March 1831 enclosed in Stirling's dispatch to Sir George Murray 13 March 1831.)

From the fact that Captain Stirling desired 90,000 acres of his original grant to be at Cape Naturaliste, it is more than probable he was convinced that the neighbourhood offered great promise. The pressure of his administrative duties had prevented him from paying any attention to the matter up to that time, but in May 1830, accompanied by a band of settlers, he set out to examine the locality with a view to establishing a new township. The party landed at the mouth of the Blackwood in Flinders Bay, and marked off the site for a township, to be named Augusta.\* The settlers, under the leadership of Captain Molloy and Messrs. Bussell and Turner, selected grants and set about the cultivation of them. Though the soil was good, the labour of clearing was very great, and consequently but little progress was made. The heavy forest baffled all their attempts to pasture stock, and to add to their difficulties supplies ran short time after time owing to their isolated position. For four years they struggled along with indifferent success, finally removing in 1834 to the less heavily-timbered plains of the Vasse, which seemed to offer greater opportunities.

(\*Footnote. Ibid Document B.)

While these attempts, not on the whole successful, were being made to establish communities along the south-west coast, attention was also being paid to the portions of the interior eastward of Perth. Ensign Dale, who had previously penetrated some distance in that direction, pursued his investigations farther inland\* and brought back such glowing accounts of the new country that Lieutenant Erskine was dispatched to obtain still more definite information.\*\* So completely did his opinion agree with that formed by Dale that the Lieutenant-Governor decided to make a personal tour of inspection.\*\*\* Being satisfied with what he saw, arrangements were at once made to throw the land open for selection, and before the end of the year many large tracts were taken up. Sites for the towns of York, Northam, and Beverley were also marked out at this time, but no allotments were apportioned in any of them, the first town lots, at York, being sold in 1835.\*\*\*\*

(\*Footnote. Cross. Journals of Several Expeditions etc. page 51.)

(\*\*Footnote. Ibid page 92.)

(\*\*\*Footnote. Private letter from Stirling to Mr. John Barrow in Journal of the Royal Geographical Society volume 1 1831 pages 255 to 257 and General report on the progress of the colony up to March 1831 Stirling to Sir George Murray 13 March 1831.)

(\*\*\*\*Footnote. Western Australian Year Book 1902 to 1904 page 34.)

Thus by the end of 1830 the colony had extended its boundaries to include (apart from the military station at King George's Sound, which still remained under the Government of New South Wales) settlements at Swan River, Port Leschenault, Guildford, and Augusta, in addition to which areas of land had been assigned in Plantagenet County and in the York-Beverley district. In most of these places little work had been done, but marked progress had been made in Perth and on the holdings along the Swan, Helena, and Canning Rivers, though as yet the returns were insufficient to provide for the sustenance of the community without importing provisions. Fremantle had made but little advance. At the end of the year it was still practically a camp, and though there were many good citizens who were straining every nerve to develop their properties and improve the condition of things generally,

a great part of the inhabitants were of the class that is always afraid of work and particularly loud in expressing disappointment and dissatisfaction. A number of these, most of whom were utterly incompetent as settlers, and some of whom held grants of land, left the colony during the latter half of the year,\* either abandoning their holdings or arranging for incoming settlers to take them up.

"Few who abandoned the settlement...were willing to admit their failure was the result of their own want of exertion or their unfittedness for the enterprise in which they had embarked; accordingly, wherever they went, and in their letters home, the blame was laid on the country. Thus, many of the evil reports respecting it which were current at home and in the neighbouring colonies may be traced to those sources."\*\*

(\*Footnote. General report on the progress of the colony up to March 1831 enclosed in Stirling's dispatch to Sir George Murray 13 March 1831.)

(\*\*Footnote. Irwin. State and Position of Western Australia page 43.)

Many of these derogatory reports seem to have come from Hobart and the Cape,\* and may be classed within the category mentioned by Irwin, and might have been disregarded, but, unfortunately, others of a more responsible type reached London. These said that the want of money had already reduced many of the settlers to a state of pauperism, that gentlemen who moved in the first circles of society at home were destitute of the common necessities of life, and that unless assistance should come from some quarter the colony must remain for many years an "aristocratical desert";\*\* that the colony was in a state perilous in the extreme;\*\*\* that livestock died within a few days from poisonous herbage, that the roadstead was unsafe for shipping, and that the place must be abandoned;\*\*\*\* that the soil was not nearly so fertile as had been represented, but was of a light, sandy nature, in consequence of which the heavy rains had washed away a great part of it, and the settlers were almost in a state of starvation;\*\*\*\*\* and that settlers were most distressed and were leaving the colony for Van Diemen's Land.\*\*\*\*\* There is no doubt that for many years the colony suffered from the effect of these reports.

(\*Footnote. Goodman, B. to Sir George Murray from Hobart 1 December 1829 see note above; William Tanner to Stirling 11 July 1832 in Stirling to Lord Goderich 23 July 1832; Irwin, State and Position of Western Australia pages 43 to 44; Moore, G.F. Diary of Ten Years in Western Australia pages 92 and 100; Western Australian Chronicle 5 March 1831.)

(\*\*Footnote. R.M. Lyon to Secretary of State 11 February 1831.)

(\*\*\*Footnote. John Morgan to R.W. Hay 8 March 1832.)

(\*\*\*\*Footnote. Letter from a settler quoted in Morning Chronicle reprinted in Hansard third series volume 1 page 1345.)

(\*\*\*\*\*Footnote. Solomon & Co St. Helena to Sir Francis Freeling 27 November 1829 forwarded by him to the Right Honourable H. Goulburn 25 January 1830 Swan River Papers volume 7.)

(\*\*\*\*\*Footnote. Hansard third series volume 5 pages 301 to 304. See also Thomas Henty to Secretary of State 7 September 1831 Swan River Papers volume 9.)

The fact that some of the colonists were totally unsuited to the task which they had undertaken considerably hindered the progress of the community. The settlers depended for food and other necessities upon two sources of supply--upon cargoes brought by incoming ships, and upon what they could grow. Drones in the hive could not be treated after the manner of bees; they had at least to be kept from starving. Lengthy intervals between the arrival of vessels and small production owing to ignorance of climatic and agricultural conditions caused on more than one occasion scarcity of food, and cast a feeling of depression over the settlement.

Another factor which retarded progress was the hostile attitude of the natives. This has been said to have been the result of cruel treatment at the hands of the white people, but the published letters of George Fletcher Moore,\* who filled the office of Advocate-General at Swan River during the early years of the colony, scarcely seem to bear out that statement. That there were isolated instances of cruelty towards the natives is probably true, but there is also evidence that the Colonial Government used every endeavour to protect them from injury and to benefit them wherever possible. Official action indeed seems, at first, to have erred on the side of leniency,\*\* and severe measures were not adopted until the attitude of the natives made it necessary to do so in order to protect the lives and property of the colonists. At the beginning the relations between the natives and the white settlers seem to have been of a distinctly friendly nature, and every effort was made to secure the goodwill of the aborigines by the distribution of food and clothing. This, as usually happens, turned them into persistent beggars, and, when it became impossible through shortness of supplies to continue the gifts, into equally persistent thieves. Lonely settlers were practically at their mercy. In his dispatch of 30 November 1831, the Governor reported:

"that the only annoyance which has been experienced has arisen from the hostile conduct of certain native tribes inhabiting the district around Swan River. The pertinacious endeavours of these savages to commit depredations of property having called forth the determined resistance of the settlers (and in cases where they are repelled by force it being the rule with them to resort to revenge) they have in three or four instances succeeded in sacrificing the lives of white persons to their fury. In such attempts they display great patience and determination, and it requires the utmost diligence to guard against their attacks, while with the small military force at present in the settlement, it has been found impossible to afford protection to every point."

(\*Footnote. Moore. Extracts from Letters and Journals London 1834 pages 31, 49 and 108 to 109.)

(\*\*Footnote. Irwin. State and Position of Western Australia page 25.)

Stirling's statement was strengthened by the opinion expressed by Captain Irwin,\* the Commandant of the troops in the colony, which was the more valuable as he recognised clearly the responsibility which rested upon civilised nations to protect the native tribes whom they dispossessed.

(\*Footnote. Irwin. State and Position of Western Australia pages 25 to 26.)

The Home Government\* admitted the goodwill of the settlers, and, at the same time, laid down the course of action to be followed. "It will require," said the Secretary of State, "all the attention which your active vigilance and humanity can bestow in order

to restore confidence between the settlers and the natives. The subject is so important in itself and so essential to the prosperity of the settlement that I hope you will be able to convince those under your Government that it will be only by observing uniformly a great degree of forbearance that they can expect to relieve themselves from further annoyance."

(\*Footnote. Lord Goderich to Stirling 28 April 1831.)

There is every indication that the policy laid down was followed by Captain Stirling, but it appears to have been taken by the natives as a sign of weakness. So daring did they become that in 1830 an attack was made in open daylight upon the house of a settler in Perth itself.\* This was quelled at the time by the soldiers, but it did not lead to a cessation of the disturbances. Soon afterwards a settler on the Murray River\*\* was murdered, for what reason is unknown; and before the end of the year a second was killed by way of retaliation for shooting a native caught in the act of stealing. Most of these acts of violence were committed under the leadership of two well-built natives named Yagan and Midgegooroo, and it was not until the death of both of them in 1833 that the colonists had any respite from native aggression.

(\*Footnote. Irwin to Stirling 18 May 1830 in Stirling to Secretary of State 18 October 1830.)

(\*Footnote. Irwin to Lord Fitzroy Somerset 8 January 1831.)

## CHAPTER 5. 1831 TO 1838.

### ADMINISTRATION OF SIR JAMES STIRLING.

Up to the close of 1830, and indeed for some little time after, the government of the colony was vested solely in the hands of Captain Stirling, who had nothing to guide him in his duty save the meagre letter of instructions forwarded with his appointment and occasional dispatches conveying further instructions from the Colonial Office. That he succeeded so admirably is a tribute both to his enthusiasm for the task and to his judgment in the execution of it. Certain alterations had been determined upon by the Home authorities before the end of the year, but notification of these did not reach Western Australia until late in 1831.

With this year the colony may be considered to have emerged from the experimental stage and to have entered upon a permanent existence. For many years afterwards its history was necessarily little more than a record of constructive development such as is common to all new communities, interspersed with periods of depression and frequent attacks and depredations on the part of the natives, but all along the line there was distinct growth, gradual indeed for some time, but in the main healthy and progressive.

One of the chief events of importance was an alteration in the land regulations. Early in 1830 it had become evident to the Home authorities that in the interests of the colony generally, and in order to stem the influx of settlers, many of whom were totally unsuitable, it was necessary to make some restriction on the further alienation of land by means of grants.\* New regulations were therefore drawn up under which the quantity of land obtainable was reduced by one-half--20 acres instead of 40 for every 3 pounds invested, and 100 acres instead of 200 as formerly on the passage of every servant.\*\* These came into operation at the beginning of 1831 and continued in force throughout the year, during which the English Government further considered the whole question of land grants in the Australian colonies and ultimately decided to adopt the American principle of sale. The chief reason for adopting this course was that it had been found that the system of granting land had had the effect, in New South Wales and Van Diemen's Land, of encouraging the dispersion of settlers over too wide an extent of country, which, apart from other inconveniences, greatly increased the expenses of administration in every branch of the Public Service.\*\*\* This decision was arrived at and published in England in March 1831,\*\*\*\* but owing to the length of time then occupied in conveying the information to the colonies, it did not come into operation until 1 January 1832.\*\*\*\*\* By it the principle of granting land according to the property brought by the settler was entirely discontinued, and in its place it was provided that "all the lands in the colony not hitherto granted and not appropriated for public purposes will be put up for sale. The price will, of course, depend upon the quality of the land and its local situation, but no land will be sold below the value of 5 shillings per acre." The method adopted in carrying this system into effect was that an intending purchaser was allowed to select, within defined limits, the land he desired to acquire. The area was then advertised for three months, at the end of which it was sold to the highest bidder above the minimum of 5 shillings. The transaction had to be completed within one month thereafter. The minimum area was 640 acres, but the Governor could, if he deemed it advisable,

allow a smaller quantity. The maximum, however, which was 2560 acres, must not be exceeded. Land which could not be sold might be let on grazing lease from year to year, it being understood that if at any time its purchase was applied for, it must be put up for sale in the ordinary way. It will be remembered that under the regulations previously in force persons sending out labourers were allowed to reckon the passage money of such labourers as part of the capital on which they could secure grants. As the colony had not the advantage of convict labour, it was felt that nothing should be done that might affect the supply of free labourers, and therefore 20 pounds was allowed in the purchase of land for every MARRIED labourer and his family landed in the colony. The bounty was restricted to married labourers to prevent, as far as possible, that excess of males over females which had been so injurious in the two penal colonies.

(\*Footnote. Stirling to Sir George Murray 28 July 1830 enclosure.)

(\*\*Footnote. Ibid.)

(\*\*\*Footnote. Lord Goderich to Stirling 28 April 1831 enclosing regulations of the Colonial Office regarding alienation of land dated 1 March 1831.)

(\*\*\*\*Footnote. Stirling to Lord Goderich 17 January 1832.)

In the same year (1831) the change in the method of administration, forecast in the Secretary of State's dispatch of 20 July 1830, bringing the settlement definitely into line as a Crown Colony, was effected. The Act (10 George IV c.22) enabled the King, with the advice of the Privy Council, to make, and to authorise any three or more persons to make, all necessary laws and to constitute all necessary courts for the peace, order, and good government of the settlement. No steps were taken under this Act until 1 November 1830, when an Order in Council was issued constituting the Governor, the Senior Military Officer next in command, the Colonial Secretary, the Surveyor-General, and the Advocate-General to be a Legislative Council to discharge the functions entrusted to them by the Act, subject to a provision for disallowance by the Secretary of State, and further that any law or ordinance made by the Council must have been first proposed by the Governor or officer administering the Government. This Order-in-Council was forwarded to Western Australia by dispatch dated 28 April 1831, with which were enclosed the formal commission to Captain Stirling as Governor and Commander-in-Chief, and also a lengthy document under the King's Sign Manual containing instructions as to procedure. In the second clause of these instructions the same officers who had been appointed a Legislative Council were also appointed as an Executive Council for the assistance and advice of the Governor. The reason that the two Councils were appointed by different methods lay in the fact that while the King could by virtue of the prerogative establish an Executive Council, the Royal authority was not competent, without the aid of Parliament, to create a Legislature except by popular representation, or to establish Courts on lines that differed from those of Westminster. In the dispatch of 28 April the diverse methods of appointment were pointed out and the Governor's attention drawn to the fact that, although composed of the same individuals, the two bodies were separate and distinct, and separate accounts must be kept of their proceedings. It may be noted that there were three subjects upon which power to legislate was specifically withheld--the naturalisation of aliens, the granting of land-titles to unnaturalised aliens, and all questions of divorce. It was late in 1831 when the



information concerning these alterations in the administration reached the colony, and consequently the Councils were not appointed until February 1832.\*

(\*Footnote. Stirling to Lord Goderich 14 February 1832.)

The year 1831 cannot be considered to have been one of any great progress, nor did it afford much in the way of incident. Owing to the adverse reports concerning the condition of things in the settlement, assiduously spread abroad by those who had been unable to grapple with the difficulties, the influx of people showed a distinct tendency to abate, and many of those who did come were of little value as colonists, serving only to augment the already considerable number of the dissatisfied and disappointed. Those, however, who recognised the wisdom of doing their best in the new surroundings were beginning to see signs of reward. Though fearful of a recurrence of the disheartening conditions of the previous winter, they persevered in their endeavours to clear and cultivate their land, and by the end of the year had 200 acres under cultivation,\* of which 160 were producing wheat.\*\* Considering that over a million acres had been alienated, this amount seems pitifully small, and certainly adds to the overwhelming evidence that exists as to the incapacity of many of those to whom land had been granted. So anxious does the English Government seem to have been to avoid expense and even responsibility in establishing the colony, that land was granted to all and sundry without any guarantee that they either could or would do anything in the way of improvement. No attempt was made to preserve anything like a just proportion between the land alienated, the capital invested, and the labour available. In fact, the Literary Gazette, the organ of the Literary Society formed by the officials and better-class settlers, asserted that "to the want of labour, and to that alone, may be traced all the evils that have afflicted this infant settlement."\*\*\* Taking into consideration the numerous servants who had been introduced, this scarcely seems feasible at first sight; but if we combine the ineptitude of the major portion of those servants with the lack of ready money and the absence of the true colonising spirit on the part of the settlers, who were, most of them, completely at a loss where to begin, we reach in all probability something like the true reasons for the approximation to failure that occurred in those early years.

(\*Footnote. Report of the Western Australian Agricultural Society 9 February 1832.)

(\*\*Footnote. Stirling, E. Brief History of Western Australia page 5.)

(\*\*\*Footnote. Literary Gazette November 1831 Perth.)

The amount of wheat produced was, of course, far from being sufficient to supply the demands of a population which then numbered about 1500\*, hence the colonists had still to depend on the ships arriving from time to time for provisions. Any delay in the appearance of these vessels was a matter of no small moment, causing as it did a very appreciable increase in the cost of living. During the latter part of 1831 very few ships arrived, and as a result something akin to famine drew ominously close.\*\* That in face of troubles such as these the colonists refused to acknowledge defeat is a tribute to their indomitable perseverance. One method adopted for overcoming their initial difficulties was the establishment during the year of an Agricultural Society,\*\*\* which was the parent of the present Royal Agricultural Society of Western Australia. By means of this institution they were enabled to meet regularly for discussion and encouragement, and there is no doubt that it was of inestimable value in stimulating

and developing the agricultural and pastoral industries. That in the latter of these industries there were great possibilities was recognised by all, but unfortunately there were but few head of stock in the colony and not a large number of sheep. So serious did these various questions--want of capital, of labour, and of stock--become, that during the year it was decided to petition the English Government,\*\*\*\* asking that the Colonial Treasury be authorised to make advances for the purchase of stock, and asserting that with some little assistance in that way the settlement would quickly become a prosperous community. The Governor was in sympathy with the request, and forwarded it to the Secretary of State with a strong recommendation.\*\*\*\*\* Unfortunately, the position became more acute before a reply could be received.

(\*Footnote. Stirling to Lord Goderich 2 April 1832.)

(\*\*Footnote. Moore, G.F. Ten Years in Western Australia page 98.)

(\*\*\*Footnote. Established May 1831. See Western Australian Year Book 1902 to 1904 page 33 and First report of the Society to Governor Stirling 9 February 1832 in Swan River Papers volume 9.)

(\*\*\*\*Footnote. Memorial to Secretary of State enclosed in Stirling to Lord Goderich 14 February 1832.)

(\*\*\*\*\*Footnote. Stirling to Lord Goderich 14 February 1832 and 2 April 1832.)

In the way of exploratory work the year was not productive of great results. The principal expedition was that of Captain Bannister and party.\* Confronted by great difficulties and a certain degree of danger, they made their way overland from Perth to King George's Sound, which was reached on 4 February 1831. This was the longest overland journey that had so far been undertaken. Captain Bannister brought back much information of value concerning the country traversed, and the track which he made between the two settlements proved very useful after the transfer of King George's Sound to the Government of Western Australia in the following March. About the same time a party under Mr. W.K. Shenton proceeded by sea to Port Leschenault and thence up the Collie River, looking for satisfactory places for settlement.\*\* The report brought back was not, however, sufficiently favourable to encourage any attempt at cultivation. Various other trips were made during 1831, chiefly in the south-western portion of the colony and round about King George's Sound. Though none of these were productive of further expansion at the time, they were of distinct value in that they increased the existing knowledge of the country generally and enabled the authorities to form a better estimate of its capabilities. In the spring of the year the settlement of York district, postponed from 1830, was undertaken, and a party, among whom were Messrs. Hardey, Clarkson, Bland, and Moore, was led over the ranges by Lieutenant Dale.\*\*\* This expedition formed the beginning of what has since become one of the finest agricultural centres in the Commonwealth.

(\*Footnote. Cross, J. Journals of Several Expeditions in Western Australia pages 98 et seq.)

(\*\*Footnote. Lands Department Western Australia Journals of Explorers volume 1 manuscript.)

(\*\*\*Footnote. Moore, G.F. *Diary of Ten Years in Western Australia* pages 65 et seq; also Cross, J. *Journals of Several Expeditions in Western Australia* pages 155 et seq.)

Only three additional towns were proclaimed during the year--those of Kelmscott, Kingston, and Albany. Kingston, which was on Rottnest Island, never got beyond that stage. Several allotments were taken up, but no attempt at building a township was ever made. With the single exception of Perth, very little progress was made in any of the townships. Fremantle as the port displayed a certain amount of activity, but not in the direction of erecting permanent buildings. Being the distributing centre for supplies, it boasted some fairly large stores, the principal of which were those of Messrs. Leake, Shenton, and Samson, through whose energies a monthly service of boats was inaugurated between the port and Guildford. This was for many years the cheapest and safest mode of transport for goods, though there existed from early in 1831 a fairly good road between Perth and Fremantle. Other evidences of civilisation also began to make their appearance. That great want of British communities--a newspaper--was met by the issue, in manuscript, of the *Western Australian Chronicle and Perth Gazette*.<sup>\*</sup> This was published by Mr. W.K. Shenton, and the price was 3 shillings and 6 pence per copy. Needless to say, it did not survive many issues. Later in the year a hand-printing press arrived from Tasmania, and a newspaper<sup>\*\*</sup> printed on letter paper was issued in Fremantle by Messrs. Macfaull and Shenton. The press was erected in the shed in which the first bushel of wheat grown in the colony was ground. Thus from the one building there issued food both for mind and body. Want of news caused the publishers to fall back on contributions, some of which may be described as early nineteenth-century yellow-press efforts, and which resulted in a dissolution of partnership. The paper was carried on by Mr. Macfaull, who was compelled, in order to secure freedom from molestation, to remove the press to Hamilton Hill, some three miles out in the bush.<sup>\*\*\*</sup> The newspaper lasted only about twelve months, the returns not being sufficient to pay the rent of the press. The owner of the machine then started another paper called the *Inquisitor*,<sup>\*\*\*\*</sup> and secured as contributors Captain Graham (formerly Governor of Sierra Leone) Mr. Yule, a Scotch lawyer named Clark, and a merchant named Johnstone. So much talent proved too heavy for the journal; serious disagreements arose between members of the staff, ending in a duel between Clark and Johnstone, which was fought with pistols at North Fremantle on 17 August 1832<sup>\*\*\*\*\*</sup>--the only duel fought in Western Australia. Johnstone was fatally wounded, dying within twelve hours. The result was equally fatal to the newspaper, and ended the first chapter of the history of journalism in the colony.

(\*Footnote. The first issue was dated 19 February 1831 and the last Number 4 12 March 1831.)

(\*\*Footnote. The *Fremantle Observer*, *Perth Gazette*, and *Western Australian Chronicle*. First issue 25 April 1831. Stirling E. *Brief History of Western Australia* page 6 gives 1832 as the date of issue. The actual dates are taken from the copies in the Colonial Office.)

(\*\*\*Footnote. Stirling, E. *Brief History of Western Australia* pages 6 and 7.)

(\*\*\*\*Footnote. *Ibid* page 7.)

(\*\*\*\*\*Footnote. *Ibid* page 7. See also letter from Harbourmaster, Fremantle, to Colonial Secretary 20 August 1832 Colonial Secretary's Office Records 1832.)

As evidence of the fact that the difficulties of their position were not weighing too heavily upon the settlers, it may be mentioned that in September the first Governor's ball was held. From the accounts preserved this seems to have been quite a brilliant affair, and the supper, which one record describes as "an elegant and abundant one,"\* rather appeared to discountenance the statement that the colonists were approaching the verge of starvation.

(\*Footnote. Moore, G.F. *Diary of Ten Years in Western Australia* page 63.)

In December Captain James Stirling's commission as Governor and Commander-in-Chief, as well as one appointing him Vice-Admiral of the colony, arrived from England.\* As soon as possible after the arrival of his commission and instructions, the Governor called his advisers together, and the first sitting of the Legislative Council, constituted under the Order in Council of 1 November 1830, was held in February 1832.\*\* The principal business was the establishment of a Civil Court having the powers of the Courts of King's Bench, Common Pleas, and Exchequer. Mr. George Fletcher Moore was appointed Civil Commissioner, and the Court was opened in March 1832, the first jury case being tried in the following June.

(\*Footnote. Stirling to Lord Goderich 14 March 1832. The *Western Australian Year Book 1902 to 1904* page 33 states that the first meeting of the Council was held in January 1832. From the dispatch it is evident that Stirling did not return to Perth from King George's Sound until the beginning of February, and the Councils were constituted after that date. See also Morgan to Hay 8 March 1832.)

The other matters which mainly occupied the attention of the Legislative Council during the year were the shortness of provisions, the need of more livestock, and the menacing attitude of the natives. The possibility of famine, which had begun to cause uneasiness in 1831, became more accentuated, and the want of food supplies culminated in a serious if not dangerous situation early in the following year.\* Vessels which had for months been expected to arrive with provisions failed to put in an appearance, the small stock of wheat that had been raised locally was almost exhausted, and many of the settlers were faced with starvation. Some idea of the scarcity that existed may be gleaned from the following list of prices: salt pork, from 10 to 14 pounds a cask; wheat, 35 to 40 shillings per bushel; fresh meat, 1 shilling 10 pence per pound; and butter (when procurable at all) 7 shillings per pound.\*\* The Colonial Government, realising the seriousness of the position, made arrangements to assist those possessing little ready money by supplying provisions on credit out of the Government stores. To encourage cultivation it was notified that payment for these stores could be made by locally-grown wheat on a basis of 15 shillings per bushel. All classes of the community were compelled to avail themselves of the offer, as practically the whole of the food supply remaining was in the Government stores. The arrival of two small schooners\*\*\* in March and April relieved the position slightly, and from the middle of the year a succession of provision-laden ships altogether averted the danger of famine.

(\*Footnote. Moore, G.F. *Diary* pages 98 and 104.)

(\*\*Footnote. Stirling, E. *Brief History of Western Australia* page 6.)

(\*\*\*Footnote. Moore, G.F. Diary of Ten Years in Western Australia pages 104 and 108.)

Hand in hand with the want of provisions went the absence of money and the lack of sufficient livestock. Most of the money brought by the settlers had been spent in making useless experiments or in paying for the necessities of life at famine prices, so that nothing was left to secure necessary farming implements or to purchase stock. One method suggested as a way of coping with the financial difficulty was the establishment of a bank. In May a prospectus was submitted to the Governor asking for an advance of 5000 pounds from the Treasury on the security of twenty-five responsible persons. It was pointed out that if money could be advanced by the Government on the discount of Bills at 5 per cent, the colony would benefit very considerably, as settlers were then borrowing at so much as 25 per cent.\* The Governor was unable, in face of his instructions, to meet the request, and suggested that the colonists should raise the money by subscription. An attempt to do this was unsuccessful; the members of the community at that time were all borrowers. Very little actual cash was available; all transactions were by means of promissory notes of from 2 shillings and 6 pence upwards in value. Some temporary relief was afforded by an inventive genius named Woods. There was at the time a coin current in India called an Indian dump, roughly pentagonal in shape, made presumably of silver, and in common use prior to the introduction of the rupee. Woods bought up all the white metal teapots, spoons, etc., that were available, and minted them into dumps, at the face value of the Indian coin. For some six months they were found to be very useful, and in part displaced the promissory notes. At the end of that period, however, the attention of the authorities was drawn to the number of these coins, and the scheme was exposed with the result that for affording undoubted financial assistance Woods received a sentence of seven years' transportation to Van Diemen's Land.\*\*

(\*Footnote. Moore, G.F. Diary of Ten Years in Western Australia page 113.)

(\*\*Footnote. Stirling, E. Brief History of Western Australia page 6.)

Apart from the ordinary necessities of life, money was badly needed for the purchase of stock, both cattle and sheep, for the pastures. The settlers themselves had not the capital to lay out in chartering a vessel and importing animals, but they were convinced that if the English Government would only come to their assistance in that direction the cost might be met out of succeeding harvests.\* They pointed out that the acreage under grain had increased to 435, from which a yield of fifteen bushels per acre was expected,\*\* and that the suitability of the soil for agricultural purposes was assured, so that there was not likely to be any great difficulty in meeting the advances asked for. To this request, as to the former one, the Governor was compelled to give a negative reply.

(\*Footnote. Moore, G.F. Diary of Ten Years in Western Australia page 104.)

(\*\*Footnote. Ibid page 117.)

A further question that became acute during the year 1832 was that of protection from the natives. The aggressive attitude adopted by the aborigines in 1830 became more pronounced in 1831, when two servants were murdered and a considerable number of the stock stolen. During the early part of 1832 there were no open attempts at violence, but in May a party headed by the stalwart Yagan, who seems to have been

the leader in all the troubles, attacked two settlers on the Canning River and killed one of them. From that time the depredations became more frequent and more daring, and so serious was the state of affairs that in June a meeting of settlers at Guildford decided that the colony must be abandoned unless ample steps were taken by the Government to protect life and property.\* In order to afford all possible assistance and so meet the wishes of the community, the Governor immediately established a police force, and in retaliation the natives speared his pigs.

(\*Footnote. Ibid page 119.)

When these various questions--the scarcity of provisions, the want of money, the need of more livestock, and the fear of native aggression--are taken into consideration, it becomes evident that the settlement in 1832 was in rather a parlous state. So convinced were the settlers that the only hope of improvement and assistance lay in a personal appeal at headquarters, that they presented a memorial to the Governor asking him proceed to England and present their case as strongly as possible to the Secretary of State for the Colonies. It will be remembered that in 1831, when these matters first called for consideration, the Governor had been requested to draw attention to them in his dispatches. The fact that no reply had been received from home to those requests, added to the growing insistence of their needs, caused the colonists to take the extreme step of requesting the Governor to present their requirements in person to the English authorities.\* On the advice of the Executive Council the Governor agreed to do as requested, and on August 12 left Fremantle for London in H.M.S. Sulphur.\*\* From a dispatch to the Colonial Office, which he found opportunity of forwarding during the course of the voyage, we are able to get a very clear view of the condition of affairs and the reasons which actuated him in acceding to the memorial of the settlers. After referring to a previous dispatch in which he had drawn attention to the matters under review, he goes on to say:\*\*\*

"In the course of a few weeks subsequent to the date of that communication referred to, the evils which had been anticipated began to be felt. The scarcity of money in private hands and the reduction in the Government expenditure which took place in the early part of the year had the material effect of discouraging importation from the neighbouring colonies, and the consequent high price of all the necessaries of life hastened that exhaustion which had been apprehended. In addition to these annoyances it was found that the unfavourable accounts which had been spread regarding the settlement had deterred persons from coming to it; the natives also began to be troublesome; and the imposition of a duty on spirits which I deemed it advisable in May last to pass into a law aggravated the depression of spirits which had so far affected the community as to prevent exertion and useful speculation.

"Persuaded that many of the evils complained of were attributable to the circumstances that attend every new settlement, I felt disposed to trust to the operation of time and that improvement which might be expected from continuous efforts. But in a small community there is usually some one prevailing sentiment, and as in this instance it happened to be of a desponding character, there was reason to apprehend that it would lead to a total remission of labour, in which case the support of the colonists would fall upon the public stores, or to the abandonment of the enterprise by those persons whose means and abilities were requisite for its success.

"Explanatory of the feelings above mentioned, I beg leave to call Your Lordship's attention to the accompanying documents (the memorials previously referred to). In these and in the Minutes of my Executive Council...it will be perceived that some decisive measures had become necessary to the successful continuation of the enterprise.

"In a conversation which I had with some of the leading settlers in the latter part of June, I was respectfully solicited to adopt certain changes in the conduct of government regarding the increase of public expenditure, the granting of loans, and the repeal of the duty on spirits; but as in taking such steps I should have departed from the substance of Your Lordship's instructions without the justification of circumstances, I was under the necessity of declining any serious departure from the line of policy which had been adopted, but I stated my readiness to convey to Your Lordship such representations regarding the real state of the settlement as would enable Your Lordship to judge of the course to be pursued. The length of time before an answer could be expected and the difficulty in making arrangements of this kind by correspondence being suggested, I was asked whether I would undertake to represent in person to His Majesty's Government the state of the colony and advocate its cause. I replied that it would not be proper for me to quit the colony unless it were recommended by the concurrent wishes of the settlers at large, and that it would be useless on my part to go to England unless I had some trustworthy assurance from the leading persons in the colony that they would not remit any exertion in the meantime for the advancement of the undertaking and the maintenance of a proper feeling. If, however, I should be satisfied on these points, I should not decline the mission proposed to me. The gentlemen present stated it to be the general opinion that some such measure was requisite for the public welfare, and that they believed it would tend very much to restore confidence, but that they would consult, with my permission, public opinion upon the subject.

"Having brought the question referred to before my Executive Council on the 29th June...it was the unanimous opinion of the members that the measure proposed would afford satisfaction to the community, tend to the good of His Majesty's Service, and go far to restore and maintain those exertions on the behalf of individuals which were necessary to the success of the colony. In consequence of this recommendation...I determined upon its adoption and issued a public declaration to that effect."

(\*Footnote. Moore, G.F. Diary of Ten Years in Western Australia page 121; also Stirling to Lord Goderich 20 September 1832.)

(\*\*Footnote. Stirling to Lord Goderich 20 September 1832.)

(\*\*\*Footnote. Ibid.)

The above extract from the dispatch has been quoted at length in order to prove the falsity of the contention put forward that the object of the Governor's mission to England was to endeavour to secure the transportation of convicts\* to the colony in order to expedite the construction of roads, bridges, and other public works. Captain Irwin (who commanded the troops in the colony from 1829 till 1833, and who acted as Lieutenant-Governor after Captain Stirling's departure) points out that no such wish was expressed in the memorial of the colonists. "The colonists," he says,\*\* "having had before their eyes in the neighbouring penal settlements the serious evils

inflicted on society by the employment of convicts...have firmly resisted the temptation to seek such a remedy for their wants." Considering that one of the principles laid down on the establishment of the colony was that no convicts should be sent there, a principle which no doubt influenced many in deciding to emigrate, it is not likely that, even if such a request had been put forward, the English Government would have given it any consideration at that early stage in the colony's history.

(\*Footnote. Perth Gazette 14 September 1833 under heading English News.)

(\*\*Footnote. Irwin. State and Position of Western Australia page 37; see also Memorial of Settlers 2 September 1831.)

(\*\*\*Footnote. Moore. Diary of Ten Years in Western Australia page 144.)

One of the first difficulties that Captain Irwin had to contend with after the departure of the Governor was renewed activity on the part of the natives. He had, however, the temporary satisfaction of securing the notorious Yagan,\* who was imprisoned on Carnac Island in charge of Mr. R.M. Lyon, a gentleman with pronounced philanthropic views.\*\* Every attempt was made to civilize the native, but just as Mr. Lyon was beginning to feel that his methods were successful, Yagan escaped and regained his tribe.\*\*\* The spearing of a soldier's wife shortly afterwards went a long way toward alienating the little remaining sympathy of the whites for the aborigines.\*\*\*\* Even the advocates of kindly treatment felt that drastic steps ought to be taken. As a result the history of 1833 and part of 1834 is practically the tale of native aggression and repulsion. Thefts were incessant, murders increasingly frequent, and the settlers lived in continual fear of an outbreak, a fear that was enhanced by their knowledge of the treacherous and cunning nature of the aborigines. The colonists were also at a disadvantage in that the natives made no open attack, but confined themselves to covert acts of theft and to acts of violence and even murder upon individual settlers or their servants. The Government forbade anything in the nature of an organised expedition against the blacks; any action taken must be against individuals by way of punishment for specific crimes. This appearance of weakness on the part of the settlers, combined with the fact that the initial fear of the white man's weapons had worn off, caused the natives to become more daring, and by the middle of 1833 the situation was one of no little danger to the colony. Toward the end of April 1833, there occurred the wanton murder of an unoffending native by one of Major Nairn's servants, who had formerly been in Tasmania, simply to show how the aborigines were dealt with there.\*\*\*\*\* Immediately afterwards another native was killed during an attempt to rob a store at Fremantle. These two deaths seem to have had a disastrous effect and to have raised a spirit of revenge among the surrounding tribes. Under the leadership of Yagan, Midgegooroo, and Munday--three redoubtable chiefs--a party of natives set out from Preston Point early on 30 April with the deliberate intention of committing murder as an act of retaliation.\*\*\*\*\* Strange to say, they fell in with the same cart from which the Tasmanian had shot the innocent black at almost precisely the same spot on the Canning Road. In it were two brothers named Yelvick, servants of Mr. Phillips. These were speared, and the bodies mutilated beyond recognition, the murderers afterwards escaping into the bush.\*\*\*\*\* Such an act could not be allowed to pass without the utmost endeavours being made to punish the offenders. Accordingly the Lieutenant-Governor issued a proclamation\*\*\*\*\* outlawing the three leaders and offering



rewards for their apprehension, dead or alive. From that time it is evident that the desire for revenge, irrespective of any question of justice, actuated the settlers as well as the natives.

(\*Footnote. Moore. Diary of Ten Years in Western Australia page 144.)

(\*\*Footnote. Lyon to Secretary of State 31 January 1833.)

(\*\*\*Footnote. Ibid. See also Moore. Diary of Ten Years in Western Australia page 146.)

(\*\*\*\*Footnote. Moore. Diary of Ten Years in Western Australia page 148.)

(\*\*\*\*\*Footnote. Perth Gazette 4 May 1833.)

(\*\*\*\*\*Footnote. Ibid.)

(\*\*\*\*\*Footnote. Ibid. See also Moore. Diary of Ten Years in Western Australia page 183.)

(\*\*\*\*\*Footnote. Perth Gazette 4 May 1833.)

Parties were formed and the surrounding country scoured in every direction for Yagan and his companions. Eventually, on 16 May Captain Ellis managed to secure Midgegooroo,\* who, after a patient investigation, was condemned to death and publicly shot in front of the Perth Gaol within a week of his capture, in the presence of the Lieutenant-Governor and Council,\*\* the event being almost one of general rejoicing. The search for the other ringleaders was then continued with vigour, and it is to be feared that the feeling of hatred and distrust which then existed was the cause of more than one innocent native being shot down. To place the matter on a saner footing it became necessary for the Government to issue a proclamation\*\*\* pointing out that offences against the aborigines would be visited with the same punishment as if committed against any other of His Majesty's subjects. This and the fact that advocates were not wanting who pointed out that the natives were merely obeying a natural or tribal law stopped the continuance of outrages, but did not cause the settlers to relax their efforts to capture Yagan and Munday. The death of the formidable leader was finally encompassed by what was an undoubted act of treachery. Two lads named Keats observed Yagan and some companions making their way to the house of Lieutenant Bull for flour; they fraternised with them, and then as soon as a favourable opportunity occurred the elder shot Yagan in cold blood. In retaliation the natives attacked the lads and succeeded in killing the murderer, though not until a second black had been dispatched.\*\*\*\* The two aborigines chiefly responsible for the conflicts that had occurred being thus accounted for, the Government, as a token of reconciliation, removed the ban of outlawry from the remaining leader Munday.\*\*\*\*\* Other steps were also taken to bring about a friendlier state of affairs; these met with some degree of success, and for a few months the settlers had freedom from molestation.

(\*Footnote. Perth Gazette 4 May 1833.)

(\*\*Footnote. Ibid 25 May 1833.)

(\*\*\*Footnote. Ibid 1 June 1833.)

(\*\*\*\*Footnote. Ibid 13 July. See also Moore. Diary of Ten Years in Western Australia page 205.)

(\*\*\*\*\*Footnote. By proclamation. See Perth Gazette 27 July 1833 and Irwin to Lord Goderich 10 August 1833.)

Notwithstanding the unrest created by these troubles, the area of land under crop was increased during 1833 to something like 600 acres,\* and it was felt that there was every prospect of reaping sufficient grain to meet the wants of the community. In fact, a ship from Tasmania with a cargo of 2000 bushels of wheat,\*\* sent by Governor Arthur during June, returned to Hobart with the information that the grain was not required. Material progress was evidenced by the improvements in methods of communication. Roads were being made between the settlements, channels through the flats at the present Causeway were begun, and improvements to the jetty at Fremantle were under consideration. A weekly newspaper, the Perth Gazette and Western Australian Journal--which still lives as the West Australian--was established at the beginning of the year, and exerted considerable influence in the progress of the settlement.\*\* One of its first actions was to revive the agitation for the establishment of a bank. The question was also taken up by the Agricultural Society, but the same obstacles which had previously stood in the way of its solution still prevailed. The Society, therefore, sought to form an institution which might be able to supply some of the benefits of a bank, though not in the way of monetary loans.\*\*\* The result was the establishment of the Swan River Barter Society,\*\*\*\* each member of which agreed to accept the notes of any other member in lieu of cash, provided they were presented according to a stipulated form. Two forms were provided, one for the use of agriculturists and the other for merchants. The person who tendered the note for payment to any agriculturist had the right to choose the kind of produce he would take for it, and the agriculturist was not compelled to take from the merchant any article not in general consumption. The institution was to be under the wing of the Agricultural Society, which was to settle any disputes about prices or values. Each member was allowed fifty notes, each note having a face value of 1 pound. Any defaulter was to be immediately excluded from the privileges of the Society. Although never fully carried out, the project met with a certain amount of success, and to it is due that system of exchange and barter which in the absence of sufficient ready money became so general in succeeding years throughout Western Australia.

(\*Footnote. Stirling, E. Brief History of Western Australia page 8.)

(\*\*Footnote. Perth Gazette 14 September 1833.)

(\*\*\*Footnote. Moore. Diary of Ten Years in Western Australia page 202.)

(\*\*\*\*Footnote. Perth Gazette 12 October 1833.)

Another system initiated during 1833 was that of parcelling out allotments of from twenty acres upwards to servants and labourers.\* Two objects were sought to be achieved by this departure--to keep a sufficient amount of labour round the settlement and to give the working class an opportunity of building up a competence. Unfortunately the scheme met with very little success, probably due to want of good feeling between servants and masters. Many of the settlers were unsuitable for their positions as masters, and a great number of the servants were utterly incompetent as agriculturists. Its failure is a matter for regret, as efficient labour was urgently needed, and the stream of immigration had been very adversely affected by the misrepresentations spread abroad, and by the superior inducements which the other colonies were believed to afford.

(\*Footnote. Moore, G.F. *Diary of Ten Years in Western Australia* page 199.)

An attempt was made during the year to open up relations with India, and a company was formed at Calcutta with that object in view. It was proposed to establish an Anglo-Indian settlement near King George's Sound, and the barque *Mercury* left Calcutta in October with the first load of passengers and stock. Unfortunately she was lost with all hands. Such a sad event naturally put an end to the operations of the company, and Western Australia lost what would have almost certainly proved to be a very valuable acquisition to her resources.\*

(\*\*Footnote. Irwin. *State and Position of Western Australia* page 97.)

Exploratory work during 1832 and 1833 was practically confined to elaborating the information concerning districts already recognised as being within the settlement. The area of country of which the administration possessed, at any rate, some general knowledge was large enough to meet any demands for land that were likely to made. It was felt that greater benefit would result to the colony if more were known of that area than if time were spent in securing a vague idea of portions lying beyond it. In addition, the roving spirit and the desire to seek for some new place were wearing off. The settlers whose opinions would have been of any value were actively employed in clearing and planting their own grants. The officials were busily engaged in their official duties and had little spare time for outside work. Nevertheless, from time to time trips were undertaken and results of value achieved. Ensign Dale and Dr. Collie greatly enriched the store of information concerning the district around King George's Sound, and J.G. Bussell made a careful examination of the Vasse district, which resulted in the profitable settlement of that portion of the country.\*

(\*Footnote. Cross, J. *Journals of Expeditions made in Western Australia* pages 132, 161, 168 et seq.)

Captain Irwin, who had occupied the position of Lieutenant-Governor from the date of Captain Stirling's departure, left for England in September 1833, and Captain Richard A. Daniell became Lieutenant-Governor for the remaining period of Stirling's absence.\*

(\*Footnote. *Perth Gazette* 21 September 1833.)

The year 1834 witnessed the revival of the original hopeful spirit on the part of the settlers. This seems to have been due in part to information which reached the colony toward the end of 1833, to the effect that the Governor had met with a large measure of success in his representations to the Home authorities.\* The principal reason, however, was that the colonists had learnt the lesson of colonisation--that satisfactory results could not be looked for all at once, but could be achieved only by years of toil. Their experience of the previous years had given them a knowledge of the soil and its possibilities; they knew what to do, and were no longer experimenting in the dark. They recognised that the country possessed all the potentialities necessary for the realisation of their original expectations, but that its rewards were only for those who were prepared to labour and wait. The factors that had operated in retarding the expansion of the colony may be summed up as: (1) the misrepresentations of those who had left the settlement, (2) the strict adherence on the part of the British

Government to the conditions under which the colony was founded, (3) the ignorance on the part of the colonists of the difficulties that faced them, and (4) the want of sufficient labour.

(\*Footnote. Ibid 31 August and 14 September 1833.)

Perhaps the most important of all these factors was the want of sufficient labour. There is ample evidence that the indenture system was a failure, and the majority of the free labourers in the colony were of an idle, dissolute character.\* Free labour could only have been introduced by a vigorous emigration scheme on the part of the Colonial Office, and this, in the interests of economy, the British Government was not prepared to undertake. The only other means of securing labour would have been the introduction of the convict system, and this was especially prohibited under the regulations upon which the colony was founded. There is no doubt that convict labour would have been helpful in many ways, more particularly in a largely increased flow of money into the colony,\*\* in the erection of public buildings, in the rapid establishment of means of communication between the various parts of the settlement, and in providing additional labour for the settlers in the cultivation of the land.

(\*Footnote. Narrative of a Voyage to Swan River compiled by the Reverend J.G. Powell London 1831 pages 208 to 109.)

(\*\*Footnote. The amount expended by Parliamentary Grant on Swan River up to 31 March 1832 (three years) was 41,045 pounds, see Lord Goderich to Stirling 8 March 1833. The amount expended by the British Government upon New South Wales up to 30 June 1793 (five years) was 473,044 pounds, Historical Records of New South Wales volume 2 page 43.)

Although there was no general request for the introduction of convict labour, isolated suggestions for its introduction were made as early as 1831, both by persons interested in the colony\* and by individual settlers,\*\* as well as by the newspaper published in the colony.\*\*\* One of settlers, R.M. Lyon,\*\*\*\* said:

"The Government need not fear the charge of a breach of faith. The settlers to a man have changed their opinion since they encamped within the shores of Australia. There can, therefore, be no breach of faith in granting them a boon which will be beneficial to all, and the only thing which can save most of them from utter ruin. A settler of the first rank and capital said to me, 'I came here because no convicts were to be sent, but so completely are my sentiments altered on the subject that if a petition for convict labour were moved tomorrow, I should be ready to put my name to it.'"

(\*Footnote. Colonel Lautour to Lord Howick 9 January 1831 and James Mangles (Stirling's father-in-law) to Lord Goderich 17 January 1831.)

(\*\*Footnote. R.M. Lyon to Secretary of State 11 February 1831; Captain Bannister Report of a journey to King George's Sound in Cross, J. Journals of Expeditions page 108; John Morgan to Hay 17 May 1834.)

(\*\*\*Footnote. Fremantle Observer 3 May 1831 quoted by The Times 3 November 1831. See Mills, R.C. Colonisation of Australia page 71 note. So far as I am aware there is no copy of the Fremantle Observer for the date mentioned in existence.)

(\*\*\*\*Footnote. Lyon to Secretary of State 11 February 1831. From a general review of the correspondence between Lyon and the Colonial Office, I am inclined to think that he was not a good judge of the attitude of the colonists as a whole, either on this or any other question.)

Captain Irwin, in 1834 and 1835, suggested the introduction of Indian convicts for the construction of public works.\*

(\*Footnote. Captain Irwin to Shaw Lefevre 3 July 1834 and to Lord Glenelg 27 May 1835.)

It is probable that Wakefield had in mind these individual requests in 1831 and 1833\* and that they were also in the mind of Mr. Henry Labouchere,\*\* who stated in the House of Commons that he understood that the colonists had asked for convicts and that the application had been granted. Wakefield repeated the assertion in 1836,\*\* but at that time he probably had knowledge of the petition from the settlers at King George's Sound.

(\*Footnote. Literary Gazette 29 October 1831; England and America volume 2 page 116 1833.)

(\*\*Footnote. Hansard third series volume 10 page 507. See also denial by Captain Irwin in State and Position of Western Australia 1835 page 37.)

(\*\*\*Footnote. House of Commons Committee on Waste Lands 1836 question 592 in Accounts and Papers 1836 volume 11 page 499.)

This petition\* was the first definite request made by a body of settlers for the establishment of a penal settlement, and even then was only signed by sixteen persons. The residents of Albany, disheartened by the trials and difficulties of pioneering work, and probably influenced by the remembrance that the first settlers at King George's Sound were convicts,\*\* decided to petition the Imperial Government to allow convicts to be sent to Western Australia. They recognised that the colony was established upon the principles of free labour and that the presence of convicts offered serious objections, but urged that forced labour was necessary to open up proper lines of communication between the various settlements and to undertake those other works by which alone the advancement and prosperity of the colony could be secured. They were persuaded that the country was not deficient in natural possibilities, but felt that in the absence of a market the settler had no inducement to labour. The only remedy was the introduction of convicts. Failing that, they felt the settlement could advance only at the sacrifice of the first settlers and their entire capital. The petition apparently did not meet with any support from settlers in other parts of the colony,\*\*\* and though forwarded by the Governor to the Secretary of State, it was accompanied by the information that he did not feel disposed to recommend it.\*\*\*\* Under the circumstances the petition was refused,\*\*\*\*\* but the wisdom of the majority of the settlers and of the Home authorities may be questioned in the light of events of less than fifteen years afterwards, when at the request of the colonists generally convicts were introduced to carry out the same policy of construction and development that was urged at this time, and which would have been of such inestimable value to the settlers of those early days.

(\*Footnote. Petition of settlers at King George's Sound to Secretary of State (in Stirling to Spring Rice 3 December 1834). See also Perth Gazette 8 November 1834 which gives an account of the meeting at which the petition was arranged.)

(\*\*Footnote. The convict settlement at King George's Sound under the Government of New South Wales was established in December 1826, and the convicts were withdrawn in March 1831 when King George's Sound was transferred to the Government of Western Australia. See ante. J.D. Rogers, *Australasia* page 79, erroneously gives 1830 as the latter date.)

(\*\*\*Footnote. Irwin, F.C. *State and Position of Western Australia* pages 71 to 73; Stirling, E. *Brief History of Western Australia* page 9.)

(\*\*\*\*Footnote. Stirling to Spring Rice 3 December 1834.)

(\*\*\*\*\*Footnote. Lord Glenelg to Stirling 11 June 1835.)

The revival of hope and confidence in 1834, already referred to, resulted in a steady progress being manifest. This was more evident, perhaps, in the settled and orderly condition of the towns and selections than in any abnormal increase in the production of the soil, though the report of the Agricultural Society for 1834\* considered the results achieved in the way of agricultural and pastoral development were very encouraging. Statistics collected for the purposes of the report showed that there were 809 acres under grain of various kinds, 109 yielding potatoes and other vegetables and fruits, and 118 lying fallow, which would have been utilised but for the absence of seed wheat. The available stock consisted of 84 horses, 78 mares, 307 cows, 96 working cattle, 97 bulls and steers, 3545 sheep, 492 goats, and 374 pigs. The wool clip for the year amounted to 5884 pounds. Nearly every kind of European fruit-tree and shrub had been planted, and some of them, particularly the vine, olive, fig, and peach, appeared to thrive well. Both this and the preceding report mention the occurrence of a disease among the livestock which had been the cause of considerable loss, and which even the most experienced among stock failed to diagnose. Many of the flocks and herds were moved from the coast to the Avon district in the hope that a change of herbage would stamp out the evil. Unfortunately the change served to make the mortality only greater. As a matter of fact, this was the Western Australian farmers' first experience of the poisonous plants growing in various districts, and which have been the cause of so much trouble and expense ever since. This report of the Agricultural Society is of particular value, sounding as it does the first distinct note of confidence in the future of the colony.

(\*Footnote. Irwin, F.C. *State and Position of Western Australia* chapter 4.)

In the condition of the towns may be found, perhaps, the best index of the progress of the settlement during the first five years of its existence.\* Fremantle had become a compact little seaport town with a few made roads and the predominance of hotels and stores usual to such places. Ferries across the river had been established at Fremantle, Preston Point, Mount Eliza, and Guildford, and road as well as river communication existed between the port and the capital. Perth had grown into a large straggling village, with one main street, St. George's Terrace, which ran parallel with the river and was about a mile in length. On either side of it were the Governor's House, Government Offices, Commissariat Stores, Court-House, Jail, and Barracks. The last-named occupied the site on the north side of the present Treasury Buildings, and to their presence Barrack Street owes its name. Cloistered round the offices were

the dwellings of many of those engaged therein, and from the surrounding bush there peeped forth the modest dwellings of the settlers. To the westward was a flour-mill, erected at considerable cost by the Civil Engineer, Mr. H.W. Reveley, a personal friend of Byron and Shelley. Across the river at Point Belches (now Mill Point) was another mill, the property of Mr. W.K. Shenton, the walls of which are still standing. Along the course of the river from Perth to Guildford were many farms and selections, some of which, notably those of Messrs. Hardey and Clarkson at the Peninsula, showed the work of experienced hands. Guildford itself was an undeveloped village, composed chiefly of servants and others to whom small grants had been made. Beyond the town, at the junction of the Helena and the Swan, were many of the principal selections. The soil was good and the situation admirable. Here were the properties of Captains Stirling and Meares, Messrs. Walcott and Wells, and many others. Higher up the river were the grants of Dr. Harris, Messrs. Yule, Leake, Lennard, Brockman, Mackie, Irwin, and others, all of whom had laboured to make their holdings successful, and to whom much of the renewed spirit of confidence was due. In the Canning district, which was connected with Perth by two roads--one through South Perth and the other through Guildford--were the properties of Major Nairn, Messrs. Bull, Phillips, Wallace, Bickley, Hester, and Captain Bannister, all of which were being cleared and improved. Kelmscott, which had been proclaimed some two years previously, existed only in name, no development having taken place, probably owing to distance from the market. York was reached by a bush road from Guildford. The principal settlers there were Messrs. Bland, Trimmer, and Heale, the first of whom devoted his attention to pastoral pursuits with considerable success. On the Murray were the establishments of Messrs. Peel and Hall and Captain Byrne. Other grants had been made in the district, but fear of the natives kept the owners from living upon them. At Augusta good progress had been made, largely through the efforts of Captain Molloy and Messrs. Turner and Bussell. The population numbered about 100 and formed on the whole a fairly prosperous little community. The settlement at Albany made little advance, notwithstanding the efforts of Sir Richard Spencer, the Government Resident, to push it forward. The few people who were there seem to have developed a Micawber-like habit of waiting for something to turn up. Port Leschenault, like Kelmscott, remained a settlement merely in name.

(\*Footnote. Irwin, F.C. State and Position of Western Australia chapter 4.)

No part of the colony, as may be seen, could be said to have advanced with any degree of rapidity, but there is ample evidence that, despite their despondency, the settlers as a whole were doing everything that limited facilities would allow to lay the foundation of future prosperity and permanence. They were still harassed by the want of ready money or specie and the scarcity of provisions. The first difficulty was in some degree met by the issue from the Commissariat Office of 1 pound notes, signed by the Deputy-Assistant Commissary-General and countersigned by two members of the Executive Council, and made payable on demand either in specie or by Treasury bill.\* The second was not so easily remedied. A recurrence of the conditions of 1832, combined with the fact that the stock of locally-grown wheat had been almost exhausted, brought the settlers once more dangerously close to starvation. For some unexplained reason the authorities did not at first seem to realise the position, and it was not until matters reached a critical stage that the Government schooner was dispatched to the Mauritius for supplies. By the beginning of September it was found necessary to exercise the strictest economy in the use of the remaining foodstuffs,\*\*

and until the arrival of several ships later in the month the settlers were practically reduced to a famine diet. Though the danger was that averted, high prices continued to rule until the end of 1833, when a plentiful harvest brought the cost of living down to normal, and dispelled the fear of further scarcity of the necessities of life in the immediate future.\*\*\*

(\*Footnote. Proclamation 10 January 1834 see Perth Gazette 11 January 1834.)

(\*\*Footnote. Perth Gazette 13 and 20 September 1834.)

(\*\*\*Footnote. Moore G.F. Diary of Ten Years in Western Australia pages 291 to 292.)

The respite from native attacks and depredations that followed the death of Yagan was ended early in 1834 by the same band of natives--the Murray River tribe--which had caused most of the previous trouble. The members of this tribe, which was the only one with which the colonists had so far any difficulty, were of a savage and warlike disposition, capable of any degree of treachery, and most inveterate thieves. From the beginning of the year they had been very troublesome throughout the Swan River district, and in April became so fearless as to make an attack in open daylight upon Mr. Shenton's mill at Point Belches.\* After threatening to kill the occupants if they attempted to raise an alarm, they looted the place and carried off about half a ton of flour. For this offence four natives were captured, three of whom were publicly flogged.\*\* About the same time an attack was made upon Mr. Burges' farm and a quantity of wheat was stolen.\*\*\* One of the natives concerned in this raid was captured, and confined in the soldiers' barracks. In attempting to escape he was shot by a soldier named Larkin. This set the tribal law of retaliation in motion and Larkin soon suffered the penalty, being speared in the barracks' enclosure.\*\*\*\*

(\*Footnote. Ibid page 217; Perth Gazette 26 April 1834.)

(\*\*Footnote. Stirling, E. Brief History of Western Australia page 8. Perth Gazette 3 May 1834.)

(\*\*\*Footnote. Stirling, E. Brief History of Western Australia page 8.)

(\*\*\*\*Footnote. Perth Gazette 3 and 10 May 1834.)

This open defiance threw the settlers into a state bordering upon panic. The Government, loth to take drastic action, confined itself to ordering Captain Ellis, the Superintendent of police, to search for the murderer and patrol the settlement as a means of protection. The relief afforded by these measures, however, was only temporary. The natives moved outside the area of patrol, and soon there came news of murders on the York Road and away in the Murray district. So strong was the opposition shown by the natives along the Murray toward the whites that few were brave enough attempt to cultivate their grants. The district possessed some of the best land known to exist, and many grants had been taken up, but the fear inspired by the aborigines almost caused their abandonment.\* Matters reached a climax in July, when two settlers were murdered and two others severely wounded. These crimes put any further thought of mild treatment out of the question. The authorities were compelled to mete out drastic punishment to the ferocious blacks, who robbed with impunity and did not hesitate to threaten the settlers with death. The Swan River natives being quiet and peaceful, Captain Ellis was instructed to proceed with a body of police to the



Murray district. At the same time the Governor paid a business visit to Mr. Peel, whose grant was within the area of disturbance. On arrival an expedition was organised, which proceeded toward the proposed town, Pinjarra. Here it fell in with the main body of natives, and the encounter since known as the Battle of Pinjarra took place.\*\* The engagement was short but sharp, and in the result more than half the male members of the tribe were killed and several of the women and children captured. The attacking force did not emerge scatheless, and unfortunately Captain Ellis was so severely wounded that he died within a fortnight. The prisoners were released and instructed to return to their friends with the information that any recurrence of the troubles or any attempt to avenge the punishment just inflicted would be met by the destruction of the whole tribe. This salutary lesson, which ought to have been given two years earlier, ended all trouble as far as the Murray River tribe was concerned. On the return of the expedition, proposals for an experiment in civilising the natives were set on foot, and a reserve at the foot of Mount Eliza was used for the purpose.\*\*\* One of the settlers, Mr. F.F. Armstrong, who had become familiar with native ways, was placed in charge, and for many years carried on the work with fair success. This movement undoubtedly helped toward bringing about a better understanding, at the same time served to show that the colonists did not look upon the aborigines merely as vermin and therefore to be exterminated.

(\*Footnote. Stirling, E. Brief History of Western Australia page 8.)

(\*\*Footnote. Perth Gazette 1 November 1834; Moore, G.F. Diary of Ten Years in Western Australia page 236; Stirling, E. Brief History of Western Australia page 9; Irwin, E. State and Position of Western Australia page 26.)

(\*\*\*Footnote. Perth Gazette 13 December 1834.)

In June the Governor, who had been away from the colony since August 1832, landed at King George's Sound, but did not reach Perth until a couple of months later.\* His return was made the subject of general rejoicing, more particularly as it was thought that the rumours of his success\*\* in his mission were in the main true. The alterations in the system of governing were,\*\*\* shortly, that the Legislative Council was to be increased by the addition of four unofficial members to be nominated by the Governor, and its sessions were to be open to the public. The civil and military establishments were to be increased and the expenditure in regard to them placed upon a different footing. Revenue was to be derived from a duty on spirits and sales of Crown lands, supplemented by a colonial grant or grant-in-aid from the Imperial Treasury sufficient to meet the necessary expenditure. The expenditure was to be allocated and controlled locally, subject, of course, to disallowance by the Home authorities. The land laws were to be liberalised so as to enable occupants to dispose of their holdings, even though the conditions of improvement had not been carried out. The colonial stores were to be closed, but sufficient foodstuffs to prevent famine were to be kept in the Commissariat Stores, such supplies to be obtained from local sources where possible. The gist of these alterations, without any mention of the method of increasing the membership of the Legislative Council, had been communicated by Stirling to Lieutenant-Governor Irwin in the previous year.\*\*\*\* In concluding that letter he says:

"I cannot conclude my reference to these several concessions without the expression of the hope which I entertain that they will secure, in conjunction with private industry and enterprise, the future prosperity of the colony, and that the settlers will

view them as a proof on the part of His Majesty's Government of its anxious desire to promote their interests to the utmost extent which circumstances will allow."

(\*Footnote. Stirling to the Right Honourable E.G. Stanley September 1834; Perth Gazette 19 July and 23 August 1834.)

(\*\*Footnote. Perth Gazette 12 October 1833, 26 April 1834.)

(\*\*\*Footnote. Lord Goderich to Stirling 8 March 1833; E.G. Stanley to Stirling 27 and 28 July and 3 October 1833 in Perth Gazette 8 August 1835.)

(\*\*\*\*Footnote. Stirling to Irwin 26 April 1833.)

The satisfaction that had been expressed when the tenor of the alterations became known in 1833 was considerably modified when the exact terms were made public, and it was seen that the proposals scarcely met the difficulties referred to in the memorial of 1832. It was decided, however, to take no further action until the new system was brought fully into operation. This the Governor proceeded to do with all possible dispatch. On 26 August 1834, a Government notice was issued\* detailing the increased civil establishment and the regulations for the management of public business. This was followed in September\*\* by the rules and regulations for the assignment of town allotments, providing that a right of occupation might be secured at a minimum price of from 2 to 5 pounds according to the town, which right would merge into a title in fee simple as soon as certain stipulated improvements had been effected and a fee paid for registration. In October\*\*\* the conditions of sale of Crown lands at a minimum of 5 shillings per acre (as previously determined) were published, and in January 1835\*\*\*\* the Governor laid before the Legislative Council the estimates of revenue and expenditure for the year. This was the first document of its kind, and as it contained the plans for revising and extending the revenue and expenditure which had been decided upon during the Governor's visit to England it created considerable public interest. In bringing it forward Stirling was careful to call the attention of the Council to a dispatch\*\*\*\*\* by which the procedure was authorised, and in which it was laid down that control over the Estimates extended only to the revenue raised by local taxation, and did not refer to "funds arising from the property or droits of the Crown." That the proposals would not meet with the approval of the people even the Governor himself seems to have been aware, as he proposed that the Council should form itself into a committee\*\*\*\*\* to consider them in his absence and to suggest others if it failed to approve of them. This course was adopted, and in the result fresh proposals were suggested by the committee.\*\*\*\*\* The principal point of difference was the expense necessary to maintain a police corps. The objection raised was that this meant increased taxation, and that if such taxation had to be imposed the money derived might be better spent on more urgent requirements such as roads and bridges. It is a curious fact that on more than one occasion the roads and bridges vote has determined the fate of colonial governments. Feeling that he was not justified in hanging up the whole budget until the opinion of the Home authorities was known, the Governor accepted the amended proposals and the estimates were then approved.

(\*Footnote. Perth Gazette 30 August 1834.)

(\*\*Footnote. Ibid 20 September 1834.)

(\*\*\*Footnote. Perth Gazette 25 October 1834.)

(\*\*\*\*Footnote. Proceedings of the Legislative Council 5 January in Perth Gazette 10 January 1835.)

(\*\*\*\*\*Footnote. Lord Goderich to Stirling 4 March 1832.)

(\*\*\*\*\*Footnote. Proceedings of the Legislative Council 24 March 1835 in Perth Gazette 28 March 1835.)

(\*\*\*\*\*Footnote. Ibid 31 March 1835 Perth Gazette 5 April 1835.)

The firm stand taken by the Council in this matter was due mainly to a large public meeting of settlers called by requisition to the Sheriff and held in February 1835,\* at which dissatisfaction with the results of the Governor's mission was expressed in no uncertain voice. The real source of the trouble was unquestionably the amendment in the constitution of the Legislative Council. The colonists expected that unofficial members, whom it was proposed to add, would be elected and not nominated. When it was found that such was not to be the case, the cry that it was against the spirit of the British Constitution to be taxed without representation was raised, and the suggested financial proposals strenuously opposed. So strong was the feeling that the Governor was requested not to carry the provision for nominated members into effect. As a matter of fact, no additions to the Council were made by this means during the administration of Governor Stirling, though the delay was due not to any deference to the wishes of the colonists, but to instructions from the Colonial Office not to increase the number of members until further advised.\*\* The Order in Council increasing the number of the Legislative Council was not issued until 1 August 1838.\*\*\* Other matters besides the questions of the augmentation of the Legislative Council and the reduction of the police corps that were dealt with at the meeting referred to were the inability of the colonists to bear further taxation; the publication of Government accounts; the inadvisability of further taxation until elective representation in the Council was conceded; condemnation of the departure from the original conditions of the land regulations of 1829; a request that the extent of the land grants made to civil, naval, and military officers be made public; and a resolution in favour of the establishment of a bank. The settlers further expressed dissatisfaction with the tenor of the dispatches received from the Home authorities, which they considered unexplainable except on the hypothesis that trustworthy information concerning the condition of the colony was not forwarded by the local Government. All these points were subsequently embodied in a memorial\*\*\*\* and transmitted to the Secretary of State.\*\*\*\*\*

(\*Footnote. Perth Gazette 21 February 1835.)

(\*\*Footnote. Stanley to Stirling 3 October 1833.)

(\*\*\*Footnote. Proclamation Perth Gazette 5 January 1839.)

(\*\*\*\*Footnote. For copy of Memorial see Perth Gazette 4 April 1835.)

(\*\*\*\*\*Footnote. Stirling to Secretary of State 15 October 1835.)

That the Governor did not approve of the turn that affairs had taken is clear from two communications, one unofficial, forwarded just after the date of the public meeting, and the other official, detailing the various alterations in the administration and also explaining his reasons for agreeing to the amended financial proposals. In the first of these documents he says,\* in referring to the copies of newspapers enclosed:

"I believe the only point in them to which it is worth while to draw your attention is the report of a public meeting of the settlers held at Perth on the 16th ultimo. As the Governor and his measures appear to have been tolerably well abused on that occasion perhaps I am not an impartial judge of their proceedings in other respects; but I cannot help feeling alarmed at the injury which may be done to the settlement by the self-conceit and absurdity of a few individuals. The resolutions which were adopted at the meeting have not led as yet to any application to the local Government, but, in my opinion, the immediate destruction of the colony would be the consequence of granting them the objects of their desire. With the exception of this tendency to be dissatisfied with that which has been done for them as colonists, and the wish on the part of some useless people to make themselves important by exciting discontent, the colony is in a progressive and satisfactory state."

(\*Footnote. Stirling to Hay 10 March 1835.)

In the official dispatch,\* after describing the changes in administration made in accordance with the decisions of the Home authorities, with which he was fully in accord, he points out that it would give him the greatest pleasure if he could state with truth that the colonists generally were of the same opinion. The requests put forward by the settlers seem to have been both reasonable and just, and it is hard to understand why the Governor so bitterly opposed them. To characterise practically the whole unofficial portion of the settlement as "useless people" even in an unofficial document was scarcely wise. The difficulties in the way of giving effect to their wishes may have been, and perhaps were, insurmountable at the time, but even so the attitude of the Governor was not one to be commended. Facts like these help to sustain the opinion that the administration of Sir James Stirling was not entirely successful. Owing no doubt to the representations made by the Governor, little or no attention was paid to the settlers' requests for some considerable time.

(\*Footnote. Stirling to Spring Rice 4 May 1835.)

Although the discussion of constitutional questions seems to have occupied much of the colonists' time during these years, there was still something to show in the way of material progress. At the end of 1835 the Agricultural Society\* estimated that 1579 acres were under crop and that the settlers possessed 7158 head of stock, of which number 5138 were sheep. During the six years of the colony's existence 163 ships had arrived, bringing 2281 passengers and imports to the value of 394,095 pounds.\*\* In comparison with 1834 very little trouble was experienced with the natives during the year.

(\*Footnote. Report in Perth Gazette 26 December 1835.)

(\*\*Footnote. Stirling, E. Brief History of Western Australia page 9.)

The opportunity for the development of pastoral pursuits, which had begun to attract attention in 1834, became more evident during the period 1836 to 1838, and to these years may be ascribed the beginning of that industry upon which the success of Western Australia practically depended until the time of the gold discoveries in the early nineties. To keep sheep was easier and in a way less expensive than to till the soil, besides which the profits from wool were surer and larger than those from wheat. Consequently, while agriculture was not neglected, the rearing of sheep was looked to

as the principal industry. Strenuous efforts were made in 1836 and 1837 to import sheep, but without much success. In 1839, however, owing to the arrival of new settlers with capital and to the determination of the old ones to test their convictions, large purchases were made. By that time the area of land available for pasturage had been greatly extended. The Avon, Plantagenet, Williams, Vasse, and Murray districts had been opened up and fairly well stocked. A comparative return of the sheep in the colony in 1834, when the industry was first suggested, and in 1838 shows the progress made. As against 3545 head in 1834 there were 16,816 in 1838, and the value of wool exported had risen from 758 to 1935 pounds. The total trade of the colony in the latter year was represented by exports to the value of 6840 and imports 46,766. The revenue was 4551 pounds and the receipts in aid 7361 pounds, while the expenditure was 12,278 pounds. The total acreage under crop in 1838 was 2501, and the wheat yield amounted to 22,104 bushels.\* A statistical return prepared by the Governor for the Colonial Office showed that the population of the settlement in 1837 was 2032, and the value of property about 260,000 pounds, producing an annual accumulation of capital of some 72000 pounds.\*\* These figures are of importance both in the way of refuting the prophecies of failure and of showing that the colony was in a fairly healthy condition. The great drawback to more rapid advancement seems still to have been the scarcity of efficient labour.\*\*\* Many of the more capable workmen had become settlers with land of their own to cultivate,\*\*\*\* and few immigrants had arrived to take their places; as a consequence, agricultural development was considerably retarded. The fall in the tide of immigration was due, in the opinion of the Agricultural Society, to the alteration in the land-grant system which took place in 1832, and might be corrected by reducing the minimum of 5 shillings per acre or by adopting a graduated scale rising in proportion to the progress and resources of the colony.\*\*\*\*\* Whatever the reasons, the need was so great that the Legislative Council in 1838 voted 1000 pounds to cover the expenses of importing efficient labourers.\*\*\*\*\* If the money could have been applied forthwith it would probably have materially advanced the prosperity of the colony, but it was necessary first to obtain the approve of the Secretary of State, and through the delay the opportunity was almost lost.

(\*Footnote. See Appendix 4 Statistical Summary 1829 to 1900.)

(\*\*Footnote. Statistical return for Blue Book 1837 in Stirling to Lord Glenelg September 1838 Number 33.)

(\*\*\*Footnote. Proceedings of the Legislative Council 15 May 1838 Perth Gazette 19 May 1838.)

(\*\*\*\*Footnote. Report of Agricultural Society 1835 Perth Gazette 26 December 1835.)

(\*\*\*\*\*Footnote. Ibid 1836 Perth Gazette 7 January 1838.)

(\*\*\*\*\*Footnote. Proceedings of the Legislative Council 30 May 1838 Perth Gazette 9 June 1838.)

The subject of the land regulations continued to form one of the most fruitful sources of discontent among the colonists. Practically every reverse that the colony suffered was ascribed to the iniquity of the regulations, but there is no doubt that in some instances they were unjustly made to bear the shortcomings of the settlers themselves. From time to time they formed the subject of public discussion, and early in 1837 a petition was presented to the Governor asking him to recommend certain changes.\*

This document averred that the alteration from the system of grants to that of sale had checked immigration and retarded progress just at the time when the settlers had overcome their initial difficulties and looked forward to some recompense for their labour. A return for three years to the system of grants was asked for and a suggestion made that each bona fide new settler should receive 2560 acres free and be permitted to purchase more if he wished at 3 shillings per acre. The petition was forwarded in due course by the Governor, but the Home authorities declined to grant the requests.\*\* Instead of the upset price being reduced it was raised in 1839 to 12 shillings per acre in all the Australian colonies, though the increased price did not become operative in Western Australia until 1840.\*\*\*

(\*Footnote. Perth Gazette 28 January 1837.)

(\*\*Footnote. Lord Glenelg to Stirling 7 March 1837.)

(\*\*\*Footnote. Western Australian Government Gazette 11 July 1840.)

The relations between the Governor and his Legislative Council did not improve during the remaining years of Sir James Stirling's term. Early in 1836\* the Governor informed the Council that it was necessary to consider the Estimates in advance for the year 1837 to 1838, as no action could be taken upon them until the approval of the Secretary of State had been obtained, and allowance must be made for the time occupied in securing that approval. Though the Governor was in no way responsible for the procedure that had to be adopted, but was merely carrying out his instructions, the fact that such a course had to be pursued was unfortunate. After the disapproval of the Estimates in 1836, relations between Sir James Stirling and his Legislative Council had been somewhat strained, and this new phase of affairs only served to make the position worse. The result was that when the Estimates for 1838 were laid before the Council further disagreements occurred, several items being opposed and others substituted.\*\* The Governor, in these instances not being prepared to accept the advice tendered to him, referred the matters for settlement to the Colonial Office.\*\*\*

(\*Footnote. Proceedings of the Legislative Council 4, 11, 19 April 1836  
Perth Gazette 9, 16, 23 April 1836.)

(\*\*Footnote. Ibid 23 June 1837 Perth Gazette 24 June 1837.)

(\*\*\*Footnote. Proceedings of the Legislative Council 23 June 1837 Perth  
Gazette 1 July 1837. See also Stirling to Lord Glenelg 1 August 1837.)

It will be remembered that during the periods of scarcity between 1831 and 1833 most of the settlers had been compelled to obtain supplies from the Government on credit. By a dispatch of 1833\* these debts were transferred by the Imperial authorities to the colony as a Colonial Fund, which it was hoped would promote the interests of the settlement and lay the foundation of a system that would "relieve the Mother Country in a short time from all charge on account of the civil establishment of the colony." No steps were taken at the time to carry out this instruction, but in 1836\*\* a Board was appointed to arrange for the payment of these debts. In some cases the settlers were no better able to pay than when they contracted the liabilities, and in the others any overwhelming desire to liquidate the debt was largely absent, so that several years elapsed before the whole amount was received.

(\*Footnote. Lord Goderich to Stirling 8 March 1833.)

(\*\*Footnote. 20 April 1836 Perth Gazette 23 April 1836.)

Another liability rested upon the settlers who had received land under the original conditions of grant. In those conditions the Crown reserved the right to impose a fine of 6 pence per acre upon all lands not improved to a certain extent at the end of three years from date of assignment. In February 1838 it was deemed expedient to impose this fine, and notice\* was issued to that effect. At the same time it was stated that all lands not improved by the end of ten years would, according to the old terms, be resumed by the Crown. Payment of the fine was to be made by the end of 1838, failing which it would be levied on the land. This was one of the wisest moves made during the infant years of the settlement, as it tended to increase the revenue at the expense of other than the bona fide settlers, and throw open to them good land which was not being used. This was the view taken by the public when the notice was issued, but when the time for its enforcement arrived opinion had changed, and the settlers found in the intention a further reason for their dissatisfaction.

(\*Footnote. Government notice 17 February 1838 Perth Gazette 17 February 1838.)

By the end of 1836 immigration had practically ceased.\* This was due to the fact that prophecies of certain failure still continued to be spread about, and probably also to the fact that the Home Government did not seem inclined to find the necessary funds. As the need of immigration was so great, it was felt that some steps should be taken to start the stream flowing again. The colonists were firmly convinced that many of the causes that led to the cessation would be removed if only full information concerning the settlement could be made public in England. This was to some extent achieved by the labours of Captain (afterwards Lieutenant-Colonel) Irwin, who had commanded the military forces at Swan River from 1829 to 1833, and who returned to that position in 1837. Through his influence a committee\*\* was formed in 1835 for the purpose of disseminating particulars as to the actual state of the colony. To assist this organisation a further committee was appointed locally in 1836,\*\*\* and for some years regular communication was kept up between the two bodies, resulting in a better understanding in England both of the hardships of pioneering and of the prospects of ultimate prosperity that the colony afforded, so that from the beginning of 1837 the opportunities that Western Australia seemed to offer in the way of profitable investment began to attract attention.

(\*Footnote. See Appendix 4 Statistical Summary 1829 to 1900.)

(\*\*Footnote. Perth Gazette 2 January 1836.)

(\*\*\*Footnote. Ibid 16 January 1836.)

In spite of the dissensions in official circles, the colony began in these years to make some appreciable headway. Even at Albany, which usually lagged behind the other districts, indications of improvement were manifest, due to the immigration of a few Indian settlers with native servants, and to the harbour being greatly used by American sealing and whaling ships.\* Toward the end of 1836, H.M.S. Beagle, under the command of Captain Fitzroy, put in at King George's Sound on her homeward voyage after a scientific expedition. On board as naturalist was the celebrated Charles

Darwin. The vessel remained there for eight days, which Darwin described as the "dullest spent since leaving England,"\*\* and Fitzroy regretted that duty compelled him to call at such a bleak and uninviting place.\*\*\* Other centres of settlement, particularly those around York and in the south-west, were beginning to show signs of progress, while Perth and Fremantle had become settled towns with property valued in the aggregate at 78,000 pounds,\*\*\*\* and constituted the "metropolitan area."

(\*Footnote. Moore G.F. Diary of Ten Years in Western Australia page 311.)

(\*\*Footnote. Narrative of Survey Voyages of Adventure and Beagle 1826 to 1836 volume 3 page 536.)

(\*\*\*Footnote. Narrative of Survey Voyages of Adventure and Beagle 1826 to 1836 volume 2 page 625.)

(\*\*\*\*Footnote. Statistical report upon the colony June 1837 in Stirling to Lord Glenelg September 1838 dispatch Number 33.)

The principal evidence of progress may perhaps be found in the establishment of banking facilities. This question agitated the public mind for years without any result. Various suggestions had been put forward, but English capitals declined to take any interest in them, and the colonists were not financially strong enough to carry them out. The desirability of a bank was, however, never lost sight of, and in 1836 the matter became the most important topic of discussion to the exclusion almost of every other question. In January 1837 the time was felt to be ripe. The colony had become self-supporting so far as necessities were concerned, and only required to import implements, clothing, and luxuries, the cost of which was more than met by the exports of wool and other produce. In that month, therefore, the prospectus of the bank of Western Australia was issued,\* with a nominal capital of 10,000 pounds of which only 2500 pounds was required forthwith. Operations commenced in June 1837, with such success that for some time no further capital was called up. At the very inception 4000 pounds was placed on deposit, and, after a year's working, a dividend of 14 1/2 per cent was paid.\*\* The good effects of the institution were soon apparent; a distinct impetus was given to development, and not only were existing industries extended, but new ones were seriously considered. One of these was the formation of whaling companies. The success of American and French whalers on the coast of Western Australia had been known for years, but the colonists had never been able to finance arrangements for sharing in that success. Such, however, was the confidence given by the free circulation of a little money that in 1837 to 1838 two companies--Perth and Fremantle\*\*\*--were actively engaged in whaling operations. To the efforts of the Fremantle company is due the tunnel under Arthur's Head at the port, made so as to secure convenient access to the town.\*\*\*\* In 1837 oil and whalebone to the value of 3000 pounds\*\*\*\*\* was exported, but before the end of 1838 incapacity and mismanagement had brought about the downfall of the Perth company\*\*\*\*\* and seriously hampered the Fremantle venture.\*\*\*\*\* American whaling ships operating off the coast in 1837 secured oil and whalebone to the value of 30,000 pounds.\*\*\*\*\*

(\*\*Footnote. Perth Gazette 31 January 1837.)

(\*\*Footnote. First annual report Perth Gazette 9 June 1838.)

(\*\*\*Footnote. Perth Gazette 14 March to 15 July 1837.)



(\*\*\*\*Footnote. Moore, G.F. Diary of Ten Years in Western Australia page 313.)

(\*\*\*\*\*Footnote. Report of Committee of Agricultural Society 1838 Perth Gazette 13 October 1838. The returns for 1837 were 100 tons oil, 5 tons whalebone.)

(\*\*\*\*\*Footnote. Perth Gazette 17 February 1838.)

(\*\*\*\*\*Footnote. Ibid 10 November 1838.)

(\*\*\*\*\*Footnote. Western Australia--A Statement of the Condition and Prospects of that Colony London 1842 page 92.)

The aborigines, who had been quiet and orderly since the effective punishment received at Pinjarra, again became troublesome in 1836 in the district round York.\* Cases of theft were fairly common, and finally two natives were shot while attempting to rob the house of a settler near the township. This incensed the tribe, and every opportunity for retaliation was seized. Sheep and even horses were wantonly killed, and at last a settler was murdered and his body mutilated.\*\* The Governor recognised the seriousness of the position and immediately strengthened the military force, thus preventing the abandonment of the district. More drastic measures would probably have been taken against the whole tribe if the Governor had not been hampered by instructions from the Imperial authorities to the effect that the natives were to be treated in all respects as Europeans, and given the same opportunities. One would have thought that the people on the spot would be the best judges in a matter of this kind. To make regulations for the protection of aborigines was wise in itself, but to expect the settlers in a remote colony to think of regulations when harassed by a warlike and treacherous tribe showed very little grasp of the position. The result was that in 1837 the natives became openly defiant, robbing and wounding with impunity. Matters culminated in the brutal murder of two settlers named Jones and Chidlow\*\*\* and the attempted murder of Mr. Waylen.\*\*\*\* The incensed colonists then instituted what was to all intent a manhunt, in the course of which several natives were killed and most of the others driven away. These stern measures checked the outrages to a great extent, and such offences as occurred during 1838 were easily dealt with by the law. This necessitated a native prison, and Rottnest Island\*\*\*\*\* was selected for that purpose and used continuously until a few years ago.

(\*Footnote. Moore, G.F. Diary of Ten Years in Western Australia page 302; Perth Gazette 26 June 1836.)

(\*\*Footnote. Perth Gazette 1 October 1836.)

(\*\*\*Footnote. Perth Gazette 22 July 1837.)

(\*\*\*\*Footnote. Moore, G.F. Diary of Ten Years in Western Australia page 326.)

(\*\*\*\*\*Footnote. Western Australian Government Gazette 1 June 1839.)

Several excursions into the unexplored portions of the territory were made about this time. With many of them, more particularly those in the south-western corner of the colony, Sir James Stirling was associated, thus gaining at first hand a knowledge of the territory. In 1836 the Moore River\* was discovered by Mr. G.F. Moore, after whom it was named, and in the course of the search excellent pastoral country was opened up. The notable expeditions of this period, however, were those instituted by

the Imperial Government for the purpose of examining the coastline and exploring the interior of the north-west. H.M.S. Beagle was commissioned to carry out the coastal survey, and the inland expedition was entrusted to Lieutenant (afterwards Sir) George Grey, who in later years exercised great authority in colonial affairs. The objects of this exploration were "to gain information as to the real state of North-western Australia, its resources, and the course and direction of its rivers and mountains; to familiarise the natives with the British name and character; to search for and record all information regarding the natural productions of the country, and all details that might bear upon its capabilities for colonisation or the reverse; and to collect specimens of natural history."\*\* These various objects were carried out with that thoroughness which distinguished all Grey's colonial work.

(\*Footnote. Moore, G.F. Diary of Ten Years in Western Australia page 301; Perth Gazette 18 June 1836.)

(\*Footnote. Grey, G. Journal of Two Expeditions of Discovery in North-West and Western Australia 1837 to 1839 London 1841 volume 1 page 4.)

With the year 1838 Sir James Stirling's administration ended. He resigned the reins of government with the unanimous regret of the colonists. Though they had not always been able to see eye to eye with him in administrative affairs, they recognised his enthusiasm and whole-heartedness in the service of the colony, and felt that the errors of Stirling the Governor faded away before the merits of Stirling the man.

Whether an impartial survey of Stirling's administration can hold it to have been altogether successful is an open question. Without doubt he was hampered by distance from Great Britain and by the slow methods of communication in existence, and by the consequent delay which occurred in the settlement of matters referred to the Colonial Office. But even taking those facts into consideration, he appears to have lacked some of the statesmanlike qualities so necessary to the government of a new settlement. Over-sanguine and not always far-sighted, he led the first colonists to expect a better state of things than really existed, and apparently not even practical acquaintance with the territory gave him that knowledge of those requirements so essential in establishing agricultural communities. But to attach to him all the blame for the depression that ensued is unjust. The settlers themselves deserve a share of it, for many of them, in the hope of growing rich quickly, had embarked on a venture for which they were unfitted in every possible way.

Accustomed from his naval training to obey and be obeyed without question, Stirling adhered too closely to the letter of his instructions, and leaned too little upon the advice of his Councils. Yet taking all these shortcomings into consideration, that he did so well in face of difficulties which at times nearly overwhelmed him, and under responsibilities which might easily have crushed any man, stands to his lasting credit. Though in matters of judgment he sometimes failed, anxiety to take the wisest course was always present, and all his actions were marked by a whole-souled desire to uphold the best and dearest traditions of the British race.

## CHAPTER 6. 1839 TO 1842.

### GOVERNOR HUTT'S ADMINISTRATION. LAND REGULATIONS. PROJECTED SETTLEMENT AT AUSTRALIND. ABORIGINES. EXPLORATIONS.

Mr. John Hutt, who succeeded Sir James Stirling in the position of Governor of the colony, arrived at the beginning of 1839, some two or three days before his predecessor's departure. Mr. Hutt had previously held the office of Governor of North Arcot, in the Madras Presidency, and had been strongly recommended as Governor of the newly-established colony of South Australia,\* in the arrangements for the inception of which he had, in conjunction with his brother Mr. (afterwards Sir) William Hutt, M.P., taken a very prominent part. The system upon which South Australia was colonised was so different from the method adopted in Western Australia that the early settlers were somewhat doubtful as to the wisdom of the appointment. That he had a theoretical knowledge of colonisation was generally admitted, but it was feared that the absence of practical acquaintance with its trials and difficulties scarcely fitted him to follow in the footsteps of a man like Sir James Stirling. Added to that, he was believed to disagree with the policy hitherto adopted, and that seems to have been counted against him, though there is no doubt that the colonists themselves were not in accord with it. At any rate, the newspaper files of the period show clearly enough that he had to fight down a certain measure of unpopularity at the commencement of his term.

(\*Footnote. Perth Gazette 8 December 1838.)

One of the first official acts was to take advantage of the authority to increase the membership of the Legislative Council by the addition of four unofficial nominees, notwithstanding the opposition of the colonists to any increase in that body except by means of an election. On 3 January 1839 he nominated Messrs. William Locke Brockman, George Leake, Thomas Peel, and William Tanner, and these gentlemen took their seats in the following March. The term of office was the duration of their residence in the colony.\*

(\*Footnote. Perth Gazette 5 January 1839.)

His next step was in connection with the land regulations. Sir James Stirling had been inclined to administer these from the point of view of the settler, and had deferred as long as he could putting into operation any of what might be termed the penal clauses of these regulations. It will be remembered, however, that in 1838\* Stirling had felt compelled to give notice that the fine of 6 pence per acre provided for in the original regulations of 1829 on all properties unimproved at the end of three years must be paid by 31 December, or it would be levied upon the properties, and, further, that all land remaining unimproved at the end of ten years would be resumed. This notice, which was certainly in the interests of the bona fide settler, had met with approval when first issued, but before the time of payment arrived it had, like many other acts of the Government, fallen under the ban of the colonists' displeasure. When the time for enforcement arrived, Sir James Stirling had resigned the Governorship, and it fell

to the lot of Mr. Hutt to carry the notice into effect. In order to give every possible opportunity he extended the time of payment for a further three months, but notified that in case of non-payment the remission of 1 shilling and 6 pence per acre allowed on the surrender of land would be reduced to 1 shilling.\*\* A further notice was also issued requiring the conditions of the land regulations of 1830 to be fulfilled within three months, namely that a quit rent of 1 shilling per acre should be paid upon properties not improved within two years from date of assignment, and that at the end of a further two years the property if still unimproved should revert to the Crown, or be subject to an additional quit rent. The time for fulfilment of these obligations had, he pointed out, already expired, and therefore the first must be fulfilled within the time stipulated, and the second by the end of 1839, failing which the land would be resumed by the Crown.\*\*\*

(\*Footnote. See ante.)

(\*\*Footnote. Western Australian Government Gazette 12 January 1839.)

(\*\*\*Footnote. Ibid.)

The issue of these notices met with the most strenuous opposition on the part of the colonists. The opinion was freely expressed that the Home Government desired to regain possession of as much of the land as it could secure in order to carry out new-fangled schemes of colonisation, to which, it was delicately hinted, the Governor was not altogether indifferent.\* A meeting of the Agricultural Society--the usual method of voicing dissatisfaction--was promptly held, and it was decided "that a memorial to the Home Government be drawn up, soliciting a remission of fines due under the land regulations, and a grant of fee simple to settlers under certain circumstances, namely those having expended large sums on small parcels of land, considering the same as portions of their several grants from the Crown."\*\* It was also decided to petition the Governor to suspend the operation of the objectionable clauses until a reply was received. This, however, the Governor was not prepared to do, the only concession made being that various methods of payment were allowed.\*\*\*

(\*Footnote. Perth Gazette 12 and 26 January 1839. For text of Memorial see Perth Gazette 9 February 1839.)

(\*\*Footnote. Ibid 19 January 1839.)

(\*\*\*Footnote. Ibid 3 April 1839.)

The stand taken by Mr. Hutt in these matters, and the fear that he would attempt to carry a land tax, made the meeting of the Legislative Council which was held in March particularly interesting to the colonists. Their fears at the time proved unfounded, though in discussing the Estimates the possibility of such a tax was foreshadowed. This he was strongly urged not to bring forward, as it would press so heavily upon the owners of land as to restrict development. For a time he adopted the advice tendered, but in October 1839 he summoned a meeting of the Council to consider a Bill for the augmentation of the revenue by an assessment on land, in order to provide for the establishment of a police force as a protection to the settlers against the aborigines. The strong opposition shown to this proposal and the unanimous opinion of the colonists that it would bring about serious depression in the affairs of the colony led him to abandon the idea and substitute in its place a tax upon sales by auction.\*

(\*Footnote. Proceedings of the Legislative Council 14 and 23 October 1839  
Perth Gazette 19 and 26 October 1839.)

In accordance with the notices issued, a few grants of land were resumed in 1839 and a further 100,000 acres scheduled for resumption in 1840. In order, however, to prevent this policy bearing harshly upon genuine settlers, the Governor viewed the conditions of alienation with the greatest liberality, and wherever possible allowed advantage to be taken of any extenuating circumstances that could be brought forward. As regards other portions of his land policy, Mr. Hutt stood firm. When the Agricultural Society objected to immigrants being restricted to certain areas in selecting land, and to the reservation and resumption of springs and watering-places, on the ground that these matters were at variance with the Home regulations, the Governor declined to alter his measures. On the first point he held that some concentration round existing settlements was necessary as a means of protection from natives, and on the second that springs should be reserved for the general use of all settlers.\*

(\*Footnote. Perth Gazette 30 May 1840.)

Discontent over the various systems of land alienation adopted by the Imperial Government, and with their administration by the Governor, had grown to be something more permanent than a "hardy annual." For the first decade of the colony's existence the regulations were never absent from the minds of the colonists, and were always urged as the reason for the slow progress of the colony's affairs. Time after time memorials were forwarded asking that radical alterations be made. Changes were made in various ways, as we have seen, but there was scarcely an instance in which the alteration did not afford as fruitful a source of agitation as the original had done. While the hardship engendered by the regulations must in many cases be admitted, it is only fair to the Colonial Office to point out that in the beginning the settlers readily accepted the conditions upon which land was offered to them, and further, that in no single instance did the Home authorities ask for more than the fulfilment of their contracts. If the time spent in agitation had been occupied in endeavours to improve their holdings, much of the dissatisfaction would never have arisen. The crux of the trouble was not so much the injustice of the regulations as the ignorance of the settlers as to the difficulties of transforming virgin forest lands into productive areas. So anxious were they to obtain tracts of land that in many cases the secured areas that could never be made productive except by experienced farmers--which they were not--possessing the most modern scientific knowledge, which had not then been discovered. To assist such, Sir James Stirling had obtained from the Home Government permission to surrender their holdings on a valuation of 1 shilling and 6 pence per acre, the surrender value to be applied as part of the cost when purchasing more suitable locations.\*

(\*Footnote. Lord Glenelg to Stirling 7 March 1837.)

The expressed intention of the Governor to enforce the fines and resumptions of which he had given notice formed the subject of a further memorial to the Secretary of State in 1839.\* No reply was received until April 1841, when a dispatch from Lord John Russell\*\* arrived stating that the questions had been referred to the Land and Emigration Commissioners,\*\*\* and in accordance with their recommendations it had

been decided to grant the fee simple on all lands improved; to grant, in the case of unimproved land, the fee simple of one-fourth, provided the remainder was surrendered to the Crown; and in cases where improvements to a greater extent than necessary had been made on one holding, to grant the fee simple of one-fourth of the unimproved remainder, provided that the balance was surrendered to the Crown. In the same dispatch Lord John advised the introduction of a land tax of 1/2 penny per acre. This latter advice the colonists declined to accept, though a Bill to impose the tax was put forward by the Governor in 1841.\*\*\*\*\*

(\*Footnote. Hutt to Lord John Russell 1 August 1839; Perth Gazette 9 February 1839 text of memorial; *ibid* 27 July 1839 Report of an interview on Memorial between members of Agricultural Society and Governor Hutt in which the Governor expressed strong disapproval of the requests.)

(\*\*Footnote. Lord John Russell to Hutt 5 September 1840.)

(\*\*\*Footnote. The Land and Emigration Commissioners mentioned above were appointed by the Secretary of State in 1840 to control emigration and advise on colonial affairs generally, but more particularly those relating to the Australian colonies. The members were T.F. Elliot, Colonel Torrens, and the Honourable E.E. Villiers. Beyond doing a certain amount of work in the cause of emigration, this board does not seem to have had much bearing on Western Australian affairs. The report of the Commissioners to Lord John Russell 11 July 1840 which was enclosed in a dispatch to Hutt 5 September contains a review of the whole question of the land system in Western Australia.)

(\*\*\*\*Footnote. Proceedings of the Legislative Council 15 April 1841 Perth Gazette 17 April 1841.)

Early in 1839 Governor Hutt received further instructions to amend the land regulations by increasing the upset price of Crown lands from 5 to 12 shillings per acre.\* Feeling that to do so would be a false step, as private sales were being effected at less than half that price, he treated the instruction as advisory rather than mandatory.\*\* In 1840\*\*\* he was informed that it must be notified to the public without delay as the minimum price of land in the Australian colonies. Except as regarded land in any settlements little objection was taken to the order, either then or at a later period, when the price was further increased to 20 shillings per acre.\*\*\*\* The objects of the alterations were to curtail the size of estates and to produce an increased revenue. The effect was to give the colonists a better chance of selling their surplus land at a more satisfactory figure, and consequently the sale of Crown lands languished.

(\*Footnote. Proceedings of the Legislative Council 22 April 1839 Perth Gazette 27 April 1839.)

(\*\*Footnote. *Ibid*. See also Stirling to Lord Glenelg 3 May 1839.)

(\*\*\*Footnote. Lord John Russell to Hutt 19 March 1840 Western Australian Government Gazette 11 July 1840.)

(\*\*\*\*Footnote. Lord John Russell to Hutt 23 November 1840.)

Much of the agitation concerning the land regulations was due to the belief that the various alterations would restrict immigration, and that therefore the dearth of labour would become much more pronounced. The colonists recognised that with more

labour available greater development of the various industries would result and the general prosperity of the colony be stimulated. The necessity for immigration was by this time beginning to impress itself upon the Imperial authorities and others interested in Western Australia, as well as upon the local Government. In 1840 the Legislative Council, at the instance of the Governor, set aside the receipts from fines and land sales, amounting to 1500 pounds,\* for the purpose of obtaining labour from England. The British Government tried with some success the practice of sending out youths from Parkhurst Prison as juvenile emigrants,\*\* and private bodies of persons interested in the colony evolved schemes for increasing the supply of labour upon terms that would be profitable to themselves.

(\*Footnote. Perth Gazette 9 April 1840.)

(\*\*Footnote. The first batch of these boys arrived in 1842 see Perth Gazette 27 August 1842 and others arrived from time to time up to 1849.)

A body active in the interests of Western Australia was the Western Australian Committee, which grew out of the Committee of Correspondence formed in London in 1835, and was generally known as the "Association in Bedford Street."\* Its objects were to advance the interests of Western Australia by inducing the Government to offer bounties for the introduction of labour; to secure an amendment of the land regulations so that land could be taken up prior to survey; to encourage the formation of companies to invest capital in the colony; and generally to disseminate correct and useful information concerning the state of the colony's affairs. Sir James Stirling, after his return to London, became a prominent member of this body, in the work of which he was actively assisted by Messrs. W. Hutt and T. Bland. At a public meeting held in Perth in April 1840,\*\* these three gentlemen were appointed agents to look after matters affecting Western Australia.

(\*Footnote. Perth Gazette 11 January 1840.)

(\*\*Footnote. Ibid 11 April 1840.)

This committee made proposals to the Secretary of State\* with the double object of supplying the demand for labour and of attracting the enterprise of capitalists. It suggested that Crown Lands should be open to purchase after survey at a minimum of 10 shillings per acre, that the proceeds of these sales should be employed in defraying the cost of emigration to the colony, and that Commissioners should be appointed to act under the Colonial Office to carry the scheme into effect. Provision was also to be made by which land might be sold in England and the proceeds applied to defraying the cost of sending labourers to the colony. The Commissioners were to have the power to raise loans on the security of future sales, such loans to be applied to emigration purposes.

(\*Footnote. William Hutt to Lord Glenelg 3 May 1838 Perth Gazette 16 February 1839; Buckton, T.J. Western Australia London 1840 pages 14 to 16. The original minute book of this committee, which was formed on 18 April 1838 is in the possession of the Public Library Perth.)

The proposals failed to meet with the approval of Lord Glenelg, the Secretary of State for the Colonies.\* While he was anxious to facilitate emigration to Western Australia, he was opposed to the sale of colonial lands to a company in England, on the ground

that it might lay the Government open to a charge of partiality, and also cause the abandonment of the Government's policy of disposing of colonial lands by public sale in the colony. He was prepared, however, to allow the Company to pay into the hands of the emigration agent money to be expended in sending out emigrants, for which they would receive a certificate entitling them to a remission of equal amount in the price paid for any land they might purchase in the colony. Further correspondence took place with the Secretary of State, but the proposals of the committee did not meet with approval.\*\*

(\*Footnote. Perth Gazette 16 February 1839; Buckton, T.J. Western Australia pages 16 to 18. Letter from Sir George Grey by direction of Lord Glenelg to William Hutt 22 April 1838.)

(\*\*Footnote. Sir George Grey to Committee 5 January 1839 minute book of Committee page 40 and Buckton Western Australia page 18. See also Ogle, N. Colony of Western Australia London 1839 pages 210 to 211.)

One effect of the work of this committee was the issue in October 1839 of a Colonial Office regulation designed to encourage emigration. The terms of it were practically those embodied in the reply of Lord Glenelg (dated 5 January 1839) to the committee. The regulation, which was largely in the nature of an experiment, was limited in operation to two years. The results from it were inappreciable. From the activity displayed by this committee there arose what promised to be a very important development in Western Australian affairs--the settlement at Australind. Notwithstanding the unfavourable reports concerning the sterility of the country and the destitution of the settlers, which had been industriously spread about, there were numbers of people who still retained their belief in the possibilities of the colony, and from the time of Mr. Peel's project attempts were continually made to form land companies for the purpose of undertaking extensive settlements therein. Most of these schemes, affected by the want of success of Mr. Peel, failed to mature, but the Western Australian Company, formed in 1839 to effect a settlement at Australind, carried its proposals into operation, and in all probability would have ultimately achieved complete success but for misrepresentation and false reports.

In 1835 a suggestion had been made to purchase Colonel Lautour's grant of 103,000 acres situated on Leschenault Estuary, or to procure a portion of Thomas Peel's grant. Nothing came of it until 1838, when the committee mentioned made an unsuccessful application to Lord Glenelg for certain privileges. One of the objects the committee had in view was to apply the principles of colonisation advocated by Edward Gibbon Wakefield. Wakefield's idea, upon which the colony of South Australia was practically founded, was to colonise by means of companies, which should acquire land and send out settlers and labourers of proved competence for its cultivation. Areas were to be cut up into small sections and sold to approved settlers, and a proper balance between capital, labour, and land continually observed.

The unsympathetic attitude of Lord Glenelg brought about the abandonment of the scheme,\* but shortly afterwards, through the exertions of William Hutt, M.P., Colonel Lautour, E.G. Wakefield, and others,\*\* a company was formed called the Western Australian Company,\*\*\* under which the settlement of Australind was to be established according to Wakefield's principles.



(\*Footnote. Minute book of Committee April 1839 page 46.)

(\*\*Footnote. Original minute book of the Company 11 May 1840.)

(\*\*\*Footnote. Note. The original minute books, deed of settlement, reports of annual meetings, letter books, account books, share register, and dispatches of the Western Australian Company are in the possession of the Trustees of the Public Library of Western Australia, and practically the whole statement concerning the inception and progress of the company is taken from those documents. Where any other authority is used a special reference is given. See also Lands Department Western Australia file 2782/95.)

The Company agreed to purchase Colonel Lautour's grant\* on Leschenault Estuary and also, subject to the conditions of tenure being carried out, the grant made to Captain Stirling. It was further decided that the first settlement should be established on Colonel Lautour's land. Some doubt arose as to whether this grant came under the land regulations of 1829 or of 1830. In the first case it was not liable to resumption for twenty-one years, but in the second it would be liable at the end of 1840. This question was decided by the Colonial Office declaring that it was held under the 1829 regulations, and that Governor Hutt had been advised accordingly. Everything being thus clear, the company was formally constituted in May 1840, with a capital of 50,000 pounds. The directors were William Hutt, M.P., John Chapman, T.H. Brooking, Captain Sweney, R.N., Edward Gibbon Wakefield, Henry Buckle, C. Enderby, Jacob Montefiore, Jas. Irving, and G.R. Smith, M.P.; T.J. Buckton was Secretary, and Marshall Waller Clifton, F.R.S., Chief Commissioner in Western Australia, with his son, R.W. Clifton, as his Secretary. Colonel Lautour's land was purchased mainly on the recommendation of Sir James Stirling, who described it as well suited for the purpose in view. A prospectus was issued offering part of the property for sale in allotments, and a plan was drawn showing a complete and beautifully-laid-out city, to which the name Australind was given, to signify the connection with India that the town was expected to possess. Land containing 51,000 acres was thrown open for selection in sections of 100 acres each at a price of 1 pound per acre, the purchaser of a section to be also entitled to four quarter-acre town allotments, the price of which to those not taking agricultural grants was set down at 10 pounds. Half the money received from sales of sections was to be spent on conveying passengers and immigrants to the settlement, and half the sum received from the sale of town allotments to be spent on improvements. So rapidly were sales effected that by the end of September 400 sections and 3100 town allotments had been disposed of, the remainder--100 sections and 900 allotments--being reserved for subsequent sale to settlers only. Success having so far attended the project, the remainder of the staff--a medical officer and nine surveyors--was then appointed, and a small vessel, the *Island Queen*, chartered to convey them to the scene of operations. Soon afterwards the *Parkfield*, a barque of 600 tons, was secured, and preparations made for the embarkation of Mr. Clifton and the first portion of settlers and emigrants. A second ship, with the remainder of the settlers, under the charge of the chaplain, the Reverend J.R. Wollaston, himself a purchaser of land, was to follow. Then came the hitch in the arrangements. The *Parkfield* was to leave London on 20 October, but on the 12th Captain Grey arrived with information that Governor Hutt intended to resume Colonel Lautour's grant for nonfulfilment of conditions,\*\* and a rumour was also spread that in Grey's opinion the grant was practically valueless from an agricultural point of view.\*\*\* Expectation quickly gave way to consternation; the public feared the loss of the money it had invested, and the

directors were faced with binding contracts involving large expenditure, apart from having received 60,000 pounds for land already possibly resumed by the Colonial Government, and perhaps disposed of to other settlers. It does not appear to have struck them that there was no need for anxiety on that account, as the Secretary of State's decision superseded any subsequent act of the Colonial Government. In the hope of extricating themselves from their troubles they lent willing ears to a suggestion from Grey that the country surrounding Port Grey, between Gantheaume Bay and the Arrowsmith, in the neighbourhood of the present town of Geraldton, was not only available, but much more suitable, being one of the finest districts in Australia.\*\*\*\* Ready to take advantage of any outlet from their difficulties, the directors secured the approval of Lord Glenelg to the change of locality, and then apparently congratulated themselves and the landholders upon their "happy deliverance from evil." Clifton seems to have been the only one who kept his head. He tried, though without avail, to persuade the directors to rely upon the reports concerning Lautour's grant made by Sir James Stirling and others who had returned from the colony, rather than upon those of Grey, who in all probability had never seen that locality.

(\*Footnote. See map.)

(\*\*Footnote. Notice to resume was issued on 27 April 1840 see Perth Gazette 2 May 1840 and withdrawn on 13 July 1840 Perth Gazette 18 July 1840.)

(\*\*\*Footnote. Perth Gazette 20 March 1841 containing record of proceedings of meeting of Company held 12 November 1840 copied from Colonial Gazette the organ of the Company 18 November 1840.)

(\*\*\*\*Footnote. Ibid. See also Landor, E.W. The Bushman London 1847 pages 415 et seq.)

Having decided upon the change, the directors lost no time in making their determination public. Investors were given the option of consenting to the change of locality or of receiving back, with interest, the money they had paid for allotments in the Leschenault district. Harassed by doubts of the new territory and afraid of the difficulties of pioneering work, many of the investors withdrew, and quickly something in the nature of a panic set in. To allay the trouble Captain Grey was asked to meet a body of the landholders and give whatever information he could concerning the country round Port Grey. This was deemed so satisfactory that several who were wavering decided to remain in the venture, which might even then have succeeded but for the action of a party of investors at Halifax, who had taken up land to the value of 12,000 pounds. These withdrew their money, and in a little while such was the effect that 30,808 pounds paid for land was returned. The drift was at last stayed by the action of the Right Honourable J.W. Crocker, F.R.S., who refused to withdraw his investments.

In spite of all these difficulties, which were increased by the failure of the Company's bankers, the directors proceeded with the new scheme. The Parkfield was engaged to proceed to Port Leschenault as before, sail up to Perth so that Mr. Clifton might interview Governor Hutt, and then make for Port Grey.

Meanwhile, the instructions of Lord Glenelg had reached the colony, and the notice of resumption of Colonel Lautour's land was immediately withdrawn.\* At the same time

pleasure was expressed at the foreshadowed introduction of further capital and labour. The town site of Bunbury was forthwith surveyed and proclaimed, and a Government Resident appointed. For the protection of the incoming settlers a picket of soldiers was stationed there, and considerable activity was shown in the settlement of the surrounding country. The advance party of surveyors landed in Koombana Bay late in 1840, and at once set about their work. In 1841 (March) the Parkfield with Clifton and the first portion of settlers arrived, and some consternation was created by the news that the whole party was to proceed northwards to Port Grey. This idea, however, was not carried out after all, as the Governor declined to permit a settlement at that port, owing to its distance northward precluding both means of communication and possibility of adequate protection. On the advice of Governor Hutt,\*\* therefore, Clifton decided to remain at Leschenault and take possession of Colonel Lautour's grant, so coming back to the Company's original arrangement. The upset and turmoil in London had thus been quite unnecessary; that it ever occurred is unfortunate, as with the bright prospects in view at the inception of the scheme it is more than probable that the venture would have been a success had nothing of the kind ever taken place. As things were, the chances of success were small from the very outset. The early trials and privations of the "first fleet" by the *Parmelia* were largely reproduced, and as a result many of the immigrants drifted away to the Swan River and other more settled parts.\*\*\* Notwithstanding the efforts of Clifton and his sons, the failure of the scheme became more and more apparent as time went on. Primarily this was due to the methods adopted by the promoters, methods which have on later occasions been proved to be entirely unsuitable. The idea was to induce emigration to Western Australia on the part of small capitalists, who purchased their land, not after examination, but from a plan prepared in London and backed by statements which did not under-estimate the agricultural possibilities. Misrepresentation was probably not intentional, but it certainly existed. When to it was added unsuitability on the part of many of the investors, there could be but little prospect of success. From the time of the arrival of the first immigrants a condition of hopeless despondency seems to have existed, for which no possible cure could be found.

(\*Footnote. Perth Gazette 18 July 1840.)

(\*\*Footnote. Inquirer 31 March 1841; Stokes, J.L. Discoveries in Australia volume 2 pages 382 to 383.)

(\*\*\*Footnote. Perth Gazette 24 April 1841.)

The arrival toward the end of 1842 and the beginning of 1843 of ships with about 400 fresh immigrants induced a little activity for a while, but matters soon settled down again into their former condition. Everyone seemed to lose heart, and failure was written large over the whole venture. In addition, Clifton was hampered by the inability of the directors in London to appreciate the position. About the middle of 1843 the final distribution of rural lands took place, and shortly afterwards instructions were received to stop all sales and discharge the surveyors. Before the end of the year Clifton was himself released from duty, and his son, W.P. Clifton, appointed agent, to dispose of the remainder of the land. In 1864 he was authorised to sell the portion still in the hands of the Company at 2 shillings per acre, and at a meeting held in 1875 instructions were given for the affairs of the Company to be wound up, a task that took several years to accomplish. Although the liquidation was spread over so many years, the scheme itself--the second large colonising experiment

in Western Australia--failed within three years from its inception. That of Peel in 1829 was impossible from the beginning, but a better knowledge of local conditions on the part of the directors of the Western Australind Company might have made that of Australind successful. The application of Wakefield's principles of colonisation ceased with this experiment, though some attempt was made in 1849 to establish a new company on the ruins of the old one. From the point of view of the colony generally there was some little gain by the Australind venture, as it brought about the introduction of at any rate a few badly-needed labourers, the population having increased from 2760 in 1841 to 3476 in 1842.\*

(\*Footnote. Statistical Summary; see Appendix 4.)

Another important phase of the affairs of the colony to which, in addition to the land question, Governor Hutt gave the closest attention was the treatment of the aborigines. Having come to Western Australia with certain preconceived ideas upon this question, he devoted considerable time to an endeavour to carry them into effect. Those in England who did not understand the circumstances had made a good deal of capital out of the affrays that had taken place between the settlers and the natives in various parts of Australia. Influenced by the opinion thus promulgated, the British Government decided to inaugurate a new policy which should have the effect of preserving and civilising the natives, and at the same time prevent oppression on the part of the settlers. As this policy was in accord with the Governor's own views, he entered into its operation with zest.\* In 1839 instructors to the natives were sent to all the colonies, G. Barrow and C. Symmons being those appointed to Western Australia.\*\* Native schools\*\*\* were established--the first being those under the Wesleyan Church--and land bounties offered\*\*\*\* to those settlers who were prepared to give instruction to the aborigines and make some attempt to civilise them. The effect of these admittedly wise measures was not, however, at first apparent. Trouble with the aborigines still continued, and had to be met in the way that the colonists had previously found effective. Throughout 1839 robberies were frequent, and on more than one occasion stock was killed.

(\*Footnote. Hutt to Lord Glenelg 3 May 1839.)

(\*\*Footnote. Lord Normanby to Hutt 9 May and 19 July 1839.)

(\*\*\*Footnote. Quarterly report of Protector of Aborigines 31 December 1840 Perth Gazette 9 January 1841; Moore, G.F. Diary of Ten Years in Western Australia page 417.)

(\*\*\*\*Footnote. Western Australian Government Gazette 25 June and 23 July 1841.)

Such events as these the colonists were becoming used to, but the hideous murder of a white woman and her eight-months-old child by the York natives called for signal punishment.\* After some trouble two of those concerned in the affair were caught, and hanged on the scene of the offence.\*\* Later in the year a second murder was committed in the Canning district,\*\*\* and in 1840 a third by some natives near Leschenault. In 1841 there occurred an incident which, if true, can only be described as an act of atrocious cruelty and savagery on the part of some of the settlers in the south-west. Early in the year a settler at Wonnerup, George Layman, offered some indignity to a native, in return for which he was on the first convenient opportunity

speared through the heart.\*\*\*\* An avenging party under Captain Molloy set out and, it is said, ultimately succeeded in surrounding the whole body of natives on an open sandpatch, whereupon they proceeded to shoot the unfortunate aborigines in cold blood, not stopping till the adult males had all been accounted for. Colour is lent to the story by the fact that there is a sandpatch near Minninup where skulls and bones are still to be seen, and near which even present-day natives will not go. No records of the encounter exist, and it is more than likely that it has been built up to account for the collection of bones, which in all probability represents an aboriginal burial-ground, which would be winyitch or sacred to the boolyas or spirits of the departed, and therefore to be avoided by all natives. All that is definitely known is that the murderer of Layman was shot by a soldier later in the year.

(\*Footnote. Perth Gazette 25 May 1839.)

(\*Footnote. Ibid 18 July 1840.)

(\*Footnote. Moore, G.F. Diary of Ten Years in Western Australia page 385.)

(\*Footnote. Perth Gazette 14 March 1841.)

By the end of 1841 the effects of Hutt's policy began to be seen in the cessation of thefts and the establishment of more harmonious relations between the colonists and the aborigines. In fact, the end of the native trouble in the south-west portion of the colony was in sight. Isolated instances of robbery and violence continued to happen, and even happen yet, but nothing further occurred in the way of organised attack, demanding measures of repression beyond the power of the police to deal with.

While the period under review was an important one from the standpoint of land regulations, colonisation schemes, and attempts to grapple with the native difficulty, it was equally important from the standpoint of exploration. The districts north of Perth, and even the extreme north-west, till then a country known by name only, were examined by Captain Grey, the coastline of the same part was accurately surveyed by Captains Wickham and Stokes in H.M.S. Beagle, and the eastern stretches between Adelaide and King George's Sound were traversed by the intrepid explorer Eyre.

Grey, who after his north-west expedition in 1837 to 1838 had sailed for Mauritius, returned to Perth toward the end of the latter year, and early in 1839 was engaged in a search for a settler named Eliot,\* who had lost his way in the Williams district and had been missing for three weeks. In the course of his search, which was successful, he explored most of the country between Leschenault and Williams River. Returning to Perth, he organised an expedition for the exploration of the country lying between Shark Bay and Perth,\*\* and spent two months, under circumstances of great difficulty and often of danger, in making a thorough examination of this district, discovering the Gascoyne, Irwin, and other rivers, the Victoria Range, and several peaks and hills. Much of the country passed through was excellent for pastoral purposes, and it was this fact that led him to urge the Western Australian Company to found the settlement of Australind in that district. Soon after Grey's reports had been placed in the hands of the Governor, G.F. Moore examined the coastal districts in the neighbourhood of the Moresby Range.\*\*\* His opinion was favourable, confirming that of Grey. Moore discovered a satisfactory harbour afterwards named Port Grey in honour of the explorer. This was the harbour that figured so largely in the discussion about the site of Australind. Grey then returned to England, but on the death of Sir Richard Spencer

came back to the colony as Government Resident at Albany, a position he occupied until late in 1840, when he succeeded Colonel Gawler as Governor of South Australia.

(\*Footnote. Perth Gazette 2 February 1839.)

(\*\*Footnote. Grey, G. Journals of Two Expeditions of Discovery in North-west and Western Australia volume 1 pages 329 et seq.)

(\*\*\*Footnote. Moore, G.F. Diary of Ten Years in Western Australia pages 401 to 403; Perth Gazette 1 and 8 February 1840; Grey, G. Journals of Two Expeditions of Discovery etc. pages 124 et seq.)

Meanwhile, Captains Wickham and Stokes in H.M.S. Beagle began and completed a series of coastal surveys on the north-west coast, in the course of which the Fitzroy and Adelaide Rivers were discovered. In 1840 they examined the Abrolhos Islands, discovered a good anchorage at Champion Bay, and surveyed Dampier Archipelago.\* In 1841, during the illness of Wickham, Stokes sailed from Koepang to complete the survey of the coast south of Roebuck Bay, which had been left unfinished by King in 1821. Having done so, he continued his voyage to Swan River, and later in the year made a trip to determine the exact position of Port Grey, which he found to be almost identical with Champion Bay.\*\*

(\*Footnote. Stokes, J.L. Discoveries in Australia volume 2 pages 124 et seq.)

(\*\*Footnote. Ibid pages 378 et seq.)

It was during this latter year (1841) that E.J. Eyre, who was afterwards Governor of Jamaica, accomplished an overland journey which ranks as one of the greatest feats in exploration ever performed in Australia. Eyre left Adelaide in June 1840, with the object of examining Lake Torrens, and then proceeding northwards as far as practicable.\* Through want of water he was compelled to abandon the attempt at Fowler's Bay.\*\* Having sent back the majority of his party, he started from Fowler's Bay with a companion, Baxter, and a black boy named Wylie, to reach King George's Sound or perish in the attempt. A short distance south-west of Eyre Sandpatch two natives who were accompanying them murdered Baxter during the night and got away with most of the provisions.\*\*\* Eyre and his black boy were left to accomplish a journey of some hundreds of miles through unknown country with 40 pounds of flour and four gallons of water.\*\*\*\* This they succeeded in doing after undergoing the severest hardships; in fact, they would in all probability never have got through but for their fortunate meeting with Captain Rossiter of the whaler Mississippi, who rendered them every possible help when they were reduced to the last extremity of hunger, thirst, and fatigue.\*\*\*\*\* Eyre's journey, which was the first successful attempt to cross the continent, was of the greatest geographical importance, as it settled the question of rivers emptying into the Bight, and, in a measure, afforded some proof that there was nothing in the nature of a great inland sea.

(\*Footnote. Eyre, E.J. Journals of Expeditions of Discovery into Central Australia 1840 to 1841 London 1845 volume 1 page 10.)

(\*\*Footnote. Ibid volume 1 pages 301 to 305.)

(\*\*\*Footnote. Ibid volume 1 page 402; volume 2 pages 1 to 2.)

(\*\*\*\*Footnote. Eyre, E. Journal of Expeditions of Discovery into Central Australia 1840 to 1841 London 1845 volume 2 page 6.)

(\*\*\*\*\*Footnote. Ibid volume 2 pages 67 to 69.)

Other short exploratory tours were made about the same time, principally for the purpose of further opening up the south-western districts, which were regarded as the most promising portion for development, and of which accurate and complete information was desirable.

With regard to strictly local affairs, the reports of the Agricultural Society for 1839 to 1842 show that very definite expansion was taking place, though still limited by the want of labour. The chief development was to be found in the pastoral industry. By the end of the latter year the part of sheep had increased to over 60,000, and wool to the value of 4252 pounds was exported. Other livestock showed a corresponding increase in numbers, but the same indications of progress were not apparent in the amount of land actually brought under cultivation. The area of land under crop, which in 1839 stood at 2578 acres, had increased to only 3047 in 1842, due partly to the difficulty of securing labour and partly to the fact that better results, at the cost of less exertion, could be secured by sheep-farming.\*

(\*Footnote. Statistical Summary Appendix 4.)

Owing to the increased prosperity the deficit in the colony's finances, which had been rapidly increasing for years past, was nearly adjusted by 1842, notwithstanding the active public works policy that was rendered necessary by the expansion. Extensive surveys were made in various districts, and roads opened up between the different settlements. In 1840\* The first pile of the Perth Causeway was driven, and under the supervision of the Town Trust--the forerunner of the City Council--a public jetty was constructed at Perth.\*\* Further evidence of progress was the establishment, on Rowland Hill's system of uniform rates, of regular postal communication between the various settlements in the colony, daily between Perth and Fremantle and less frequently to the outlying districts.\*\*

(\*Footnote. Stirling, E. Brief History of Western Australia page 13.)

(\*\*Footnote. Perth Gazette 5 November 1842.)

(\*\*\*Footnote. Ibid 9 April 1842.)

The general improvement in affairs had also attracted the attention of outside banking institutions, as we find that in 1841 the Bank of Western Australia was amalgamated with the Bank of Australasia,\* which was desirous of opening business in the colony. Some of the shareholders were opposed to the change, and took steps to establish another local bank, the result being that later in the year the Western Australian Bank, which has exercised so great an influence in the development of Western Australia, opened its doors. The original directors were J.S. Roe, W. Tanner, W.J. Lawrence, E. Hamersley, R. Hinds, J. Stringer, and G.F. Stone. The capital was 20,000 pounds.\*\* The first dividend--15 per cent--was declared in January 1842.\*\*\*

(\*Footnote. Ibid 24 April and 1 May 1841.)

(\*\*Footnote. Ibid 26 June 1841.)

(\*\*\*Footnote. Ibid 8 January 1842.)

The same activity was displayed in religious and educational matters. In answer to a requisition the Governor introduced a Bill into the Legislative Council in 1840 for the purpose of promoting the erection of churches and chapels and of providing for the maintenance of ministers of religion.\* By the end of 1842 there were four Anglican clergymen, in addition to the Colonial Chaplain, stationed at various towns, and one Wesleyan clergyman resident in Perth. The members of the Church of England began to look forward to the establishment of a bishopric, and with that end in view 10,000 acres were set aside as an endowment. The same Church had established a grammar school in the capital, and with Government aid primary schools were at work in different parts of the colony.

(\*Footnote. Proceedings of the Legislative Council 16 June 1840 Perth Gazette 20 June 1840. The Bill was afterwards vetoed by the Colonial Office.)

In 1839 a fossil believed to be an encrinite was discovered in the Toodyay district.\* This was regarded as important, being in the opinion of the colonists an indication of the existence of a coalfield. Subsequently it was reported that coal had actually been found on the Murray River, at a place where researches were being prosecuted by Mr. Preiss, a German naturalist. In order to stimulate search the Government offered a free grant of 2560 acres to the first discoverer of a coal bed,\*\* but for many years nothing definite resulted from the offer.

(\*Footnote. Moore, G.F. Diary of Ten Years in Western Australia page 376.)

(\*Footnote. Western Australian Government Gazette 30 March and 6 April 1839.)



## CHAPTER 7. 1843 TO 1849.

**DEPRESSION.  
LABOUR PROBLEMS.  
FINANCIAL CONDITION  
. QUESTION OF CONVICT LABOUR.  
ESTABLISHMENT OF PENAL SETTLEMENT.**

With the year 1843 there came one of those waves of depression which so frequently rolled over Western Australia during the early years of its existence. Following as it did upon a period of moderate prosperity which had appeared to possess some elements of permanency, the colonists were greatly discouraged, and the seriousness of the position was consequently considerably increased. The first signs of the trouble were an unaccountable fall in the price of stock, and a constant flow of specie out of the colony to pay for the imports, which far out-valued the exports. The causes assigned for the depression were various. Naturally among them the "iniquitous" land regulations held a prominent place. Other reasons urged were the want of protective duties, the high rates of interest on borrowed money, the excess of imports over exports, and, above all, the scarcity of labour.\* Many were the means suggested and tried for coping with the trouble, the ultimate one being that which has had so wide and far-reaching an effect upon the history of Western Australia--the introduction of convict labour and the establishment of a penal settlement.

(\*Footnote. Inquirer 4 and 11 October 1843, 7 February 1844; Perth Gazette 11 November 1843; Reports of Agricultural Society 1843 (Inquirer 3 January 1844) and 1844 Inquirer 1 and 8 January 1845. See also Statistical Summary Appendix 4.)

Up to 1842 the colonists may be regarded as having been engaged in combating local difficulties, in forming their homes, and in striving to wrest the necessities of life from the virgin forest. Their aim was to supply the local market, and so long as that market could absorb their products, high prices necessarily ruled and a general condition of solvency existed. They were also getting fair prices for such wool as they were able to export. One of the causes of the depression seems to have been the belief that they could go on importing stock without bringing about either a fall in values or a surplusage on the market. The result of this belief was that nearly 50,000 pounds in specie was sent out of the colony to pay for importations of all classes of stock.\* This, occurring when supply and demand were fast approaching a level, caused a reaction, and a consequent drop in prices, which produced a sudden cessation of speculation, a general retrenchment, and a serious fall in the value of property of all kinds. In commenting upon the condition of affairs at the opening of the Legislative Council in June 1843,\*\* The Governor urged that the colonists should look for other avenues of industry and profit, so as to provide exchangeable commodities to balance the great excess of imports over exports. Without such commodities the enormous balance of trade against the colony had to be met by Treasury Bills or by sending specie out of the country. Both ways were bad; they not only restricted development, but were destructive of those beneficial results which ought to accrue from trading.

(\*Footnote. Report of Agricultural Society 1842 Perth Gazette 8 April 1843.)

(\*\*Footnote. Proceedings of the Legislative Council 15 June 1843 Perth Gazette 17 June 1843.)

The existence of depression being recognised, the colonists were compelled to seek for some means of overcoming it, and it was soon evident that public opinion considered that the solution lay in the introduction of further labour. In coming to this conclusion they were guided by the knowledge of the relief afforded by the Australind settlers of 1841 and 1842, and by the immigrants landed from the Success in April 1843. The question of immigration began to engage the attention of the Legislative Council in August,\* and a committee was appointed to consider the best method of obtaining a supply of labour. The report of this committee, which was presented to the Council in the following October, estimated that 400 servants were urgently required, 300 of whom might be advantageously employed in farming pursuits and the remainder as domestic servants. Being of opinion that it was not possible to raise sufficient money for the purpose by sales of land, the committee advised that a loan be obtained from the Imperial authorities, the interest upon which should be provided for on the annual estimates, by earmarking the monies derived from land sales, transfer fees, and other land sources. Failing Colonial Office approval of this idea, they advocated a system of bounties. The Legislative Council adopted the report, and it was forwarded by Governor Hutt for the consideration of the Home Government,\*\* which declined to accede to either recommendation.\*\*\*

(\*Footnote. Inquirer 23 August 1843.)

(\*\*Footnote. Proceedings of the Legislative Council 19 October 1843 Perth Gazette 21 October 1843.)

(\*Footnote. Hutt to Lord Stanley 21 October 1843.)

While convinced that in the introduction of labour lay the solution of their difficulties, the colonists also gave consideration in 1843 to the suggestions of the Governor to look for other industrial outlets for their energies. One marketable commodity ready to hand was timber, and efforts were made to work up an export trade in jarrah and other woods with which the colony abounded. Attention was directed to a letter which Sir James Stirling had received from the Admiralty some years previously in which an offer to purchase 200 loads of timber was made.\* A fair market was also believed to exist in the Mauritius. With these possibilities in view an attempt was made by C.D. Ridley to form a company,\*\* but without success. Later in the year, however, various samples were forwarded to London, and a certain degree of interest taken in them, resulting in the inception of a small export trade. Better success followed a shipment of sheep to the Mauritius, which realised 28 shillings per head, and potatoes to the value of 300 pounds were also exported.\*\*\* These small items with 6000 pounds worth of wool, and oil to the value of 300 pounds, practically comprised all the exports, leaving 60,000 pounds imports to be paid for by specie. The result was that by the end of the year there was practically no money in the market. The Government, as well as the settlers, was compelled to exercise the most rigid economy. The accounts for 1842/3 showed a deficit of some 700 pounds, with a prospect the reverse of reassuring. To stem the tide an Act was passed to increase the duties on spirits, and various licence fees were imposed.\*\*\*\* About the same time the new Land Act (6 Victoria c.36) regulating the sale of waste lands of the Crown in the Australian colonies, came into operation, raising the price to 20 shillings per acre.\*\*\*\*\* This does not seem to have exercised any appreciable influence, one way

or another, upon the colony's affairs at the time. What undoubtedly exercised an influence for good was the consistent policy of Governor Hutt in regard to the various land regulations. So successfully had he carried out these regulations that in 1843 out of a million and a half acres alienated, there were not 100,000 for which the fee simple had not been issued.\*\*\*\*\*

(\*Footnote. Two hundred loads were exported in 1836; see Statistical Summary Appendix.)

(\*\*Footnote. Perth Gazette 15 April 1843.)

(\*\*\*Footnote. Report of Agricultural Society 1843 Inquirer 3 January 1844. See also Statistical Summary Appendix 4.)

(\*\*\*\*Footnote. Proceedings of the Legislative Council 16 June 1843 Perth Gazette 17 June 1843.)

(\*\*\*\*\*Footnote. Ibid.)

(\*\*\*\*\*Footnote. Ibid.)

The one bright spot in the year's transactions was the harvest. About 800 additional acres were under cultivation\* and good returns obtained from the whole. Grapes, olives, and other fruits were produced, and some attention paid to wine-making, while the number of sheep had increased by one quarter.\*\* Yet notwithstanding this apparently satisfactory condition, the colonists's fears of depression were abundantly fulfilled in 1844. As compared with 1839, prices of commodities fell nearly 50 per cent, and rents and wages were correspondingly lower.\*\*\* These things, combined with the scarcity of money and the pessimistic view of the situation taken by the colonists, served to accentuate the depression. The Deputy-Assistant Commissary-General, W.H. Drake, stated to a committee of the Legislative Council\*\*\*\* that in January 1843 he estimated the amount of specie in the colony at 25,000 pounds; in January 1844 at half that sum, and, at the time of giving evidence (July 1844) at not more than 9000 pounds. To prevent, as far as possible, the specie remaining from being sent out of the colony, the Commissary-General called for tenders for Bills of Exchange in sums of not less than 100 pounds, drawn on the Commissioners of the Treasury at London.\*\*\*\*\*. The amount received was 4200 pounds.\*\*\*\*\* As wheat grown in the colony was also accepted for these bills the loan served a further purpose of providing a market for surplus grain. Yet, though times were so bad, and the banks, to assist their customers, were compelled to reduce the rates of discount, we find that the Western Australian Bank was able to declare substantial dividends in January and July,\*\*\*\*\* showing that in spite of the depression there must have been a firm belief in the recuperative power of the colony.

(\*Footnote. Statistical Summary Appendix 4.)

(\*\*Footnote. Report of Agricultural Society 1843 Inquirer 3 January 1844.)

(\*\*\*Footnote. Kimberley, W.B. History of Western Australia Melbourne 1897 page 132.)

(\*\*\*\*Footnote. Proceedings of the Legislative Council 18 July 1844 Inquirer 24 July 1844.)

(\*\*\*\*\*Footnote. Inquirer 12 January 1844.)

(\*\*\*\*\*Footnote. Ibid 10 July 1844.)

(\*\*\*\*\*Footnote. Inquirer 10 January and 10 July 1844.)

The revenue returns for the year 1843/4 showed a decrease on those of the previous year, and were insufficient to meet the expenditure. The value of imports was 36,440 pounds, while the exports totalled only 13,364 pounds,\* the principal being wool and oil, which together amounted to 12,540 pounds.\*\* This shrinkage in revenue and great disparity between imports and exports caused considerable uneasiness. So much so that when the Estimates for 1845/6 were brought before the Legislative Council in May\*\*\* the Governor remitted them to a committee for consideration. His estimate of expenditure was 8886 pounds, but the committee, convinced that it could not be met by revenue, reduced it to 7283 pounds by cutting down the items relating to the administration of justice, public works, police, and surveys and exploration. At the same time the revenue estimates were revised and 2000 pounds less set down as probable returns from spirit duties. To balance this, further ad valorem duties on imports, estimated to yield 1300 pounds, were proposed.\*\*\*\* Such drastic alterations to the Governor's proposals could not fail to produce acrimonious discussion, more particularly as the amended Estimates received the support of the Council generally. The Governor made strenuous objections, but the committee's report was carried against him. Feeling that to exercise the power of veto which he possessed would only make matters worse, and that to reserve both sets of Estimates for the consideration of the Home authorities would also be inimical to the best interests of the colony, Governor Hutt gave his assent to the committee's proposals. So convinced was he, however, of the want of wisdom shown in taxing foodstuffs that he congratulated himself on not being a settler, and assured the Council that the "doom of the colony was sealed."\*\*\*\*\* This attitude only served to increase his unpopularity. Not only were the members of the Council opposed to him, but public opinion generally declared itself adverse, and he achieved the unfortunate distinction of being freely criticised and derided in the public press. That his view of the situation was wrong the end of the year clearly showed, the revenue not even reaching the revised estimate by some 400 pounds. While admitting his ability in matters of administration generally, and more particularly in regard to the land regulations and the treatment of the natives, it is open to question whether his management of the financial affairs of the colony was equally successful.

(\*Footnote. Statistical Summary Appendix 4.)

(\*\*Footnote. Inquirer 29 May 1844.)

(\*\*\*Footnote. Proceedings of the Legislative Council 23 May 1844 Inquirer 29 May 1844.)

(\*\*\*\*Footnote. Ibid 24 June 1844 Inquirer 26 June 1844.)

(\*\*\*\*\*Footnote. Proceedings of the Legislative Council 4 July 1844 Inquirer 10 July 1844.)

The Estimates being disposed of, the committee took into consideration the general financial condition of the colony, and presented a further report to the Legislative Council in July. As the result of exhaustive inquiries the committee was convinced that the depression existing was due to:

"The alteration in the land regulations, fixing the minimum price of Crown lands at 20 shillings per acre, which has had a powerful and baneful influence upon the

conditions of the colony, and consequently on the revenue, by putting a stop to the sale of Crown lands--no money sales, with the exception of a few town allotments having been made since December 1, 1842--and to the introduction of capital.

"The great and sudden fall in the price of stock, owing to the large increase and comparative and stationary position of the population, by the entire stop the land regulations alluded to have put to immigration.

"The consequent difficulties of the farmers, and inability to meet their engagements, contracted at a time when the price of stock was high and all the other necessities of life proportionately high.

"The balance of trade, being so much against the colony, occasioning an annual abstraction of specie and other capital of not much less than 20,000 pounds.

"To these may be added the injuries our farmers have sustained by the large amount of colonial produce poured into Western Australia from the adjacent colonies--in a great degree occasioned by a similar state of things, brought on in a great measure by the same causes."\*

(\*Footnote. Ibid 18 July 1844 Inquirer 24 July 1844.)

The report was not received by the Council with any degree of enthusiasm. While it professed to consist of the opinions of the colonists, and did in a measure disclose the causes of the depression and the condition into which the colony had fallen, it contained no suggestions for alleviating the distress or for bringing back prosperity. The chairman of the committee sought to remedy this defect by making certain proposals when discussing the report. His speech was rather remarkable as showing the state into which the colony had lapsed. Supporting his remarks by elaborate tables\* giving the development of the previous seven years, he pointed out that the balance of trade against the colony since its inception was large, but up to that time had been greatly minimised by a substantial annual expenditure on the part of the Government. A gradual increase of population, including some capitalists, had also helped to render progression possible, but the alteration in the price of Crown lands had stopped this immigration, and so put an end to progress. The continual drain of specie to pay for imports had then made itself felt, with the result that the whole colony had been brought to the verge of ruin. "Although," he said, "we have plenty of real property and stock of every description, we have not a shilling which as a colony we can call our own. We have no balance in our Treasury; the balance in the Commissariat chest is the property of the Queen. As individuals we have loose silver in our pockets--but only as individuals--for as colonists it is the property of the foreign creditor."\*\* The remedies suggested by the committee were to make the colony an exporting one--this, it will be remembered, had already been urged by the Governor; to induce the British Government to consent to the flotation of a loan of 100,000 pounds to be used to pay off the mortgages and introduce labour; and to secure a reduction in the price of Crown lands. These suggestions were then put in the form of definite propositions\*\*\* and resulted in a long and rather acrimonious debate. The Governor said he was not disappointed with the discussion, because he never expected anything from it. It was not possible to find any distinct or specific remedy. He had no panacea to offer; all he could do as head of the Government was to call

attention at all times to three points of conduct--economy, a cessation of paper credit, and an increase of exports.\*\*\*\* The only outcome of the debate was a declaration by the Council that a reduction in the price of Crown lands from 20 to 5 shillings per acre would encourage capitalists to settle in the colony and thus provide a fund for the introduction of labourers and artisans.\*\*\*\*\* Though barren of results in other directions, the discussion had the effect of encouraging production in various ways with the object of establishing a larger export trade. Shipments of horses and cattle were sent to the Mauritius, where they realised satisfactory prices. A stock market was established at Guildford, the rearing of horses for Indian remounts advocated, and the growth of sheep to increase the export of wool encouraged. The development of a timber trade was looked upon as one of the principal assets of the colony, and great activity was displayed throughout the south-west district in preparing sawn timber for export. By the end of the year over 250 tons were lying at Bunbury awaiting shipment. Even taken as a whole, these various movements were not sufficient to establish any considerable volume of trade, but the record of them shows that the small colony, which consisted of only 4350 persons, over 1200 of whom were resident in Perth, was making some attempt to rise above its difficulties.

(\*Footnote. Proceedings of the Legislative Council 2 August 1844 Inquirer 7 August 1844.)

(\*\*Footnote. Ibid.)

(\*\*\*Footnote. Ibid.)

(\*\*\*\*Footnote. Proceedings of the Legislative Council 2 August 1844 Inquirer 7 August 1844.)

(\*\*\*\*\*Footnote. Ibid.)

Notwithstanding the activity displayed in these ventures and the practice of the most rigid economy on the part of the people, the condition of affairs went from bad to worse. The financial aspect in 1845 was even less encouraging than in the previous year. When the session of the Legislative Council opened in April the Governor had the unwelcome task of announcing that even the estimate of revenue as amended by the committee had not been realised, and that compared with 1843/4 there was a falling off in revenue of 2627 pounds. On the year's transactions the expenditure exceeded the receipts by 450 pounds, an amount small in itself, but appreciable in a country whose total income was less than 7200 pounds.\* Seeing no prospect of improvement, the Governor in preparing the Estimates was compelled to use the pruning knife even more vigorously than the committee of 1844 had done. The revenue he estimated at 6920 pounds and the expenditure at 6647.\*\* This time the Estimates were passed practically as presented. To reduce them further without seriously affecting the efficiency of the Government was impossible, and to have attempted to increase the expenditure in face of the growing depression would have been suicidal.

(\*Footnote. Ibid 17 April 1845 Perth Gazette 19 April 1845.)

(\*\*Footnote. Proceedings of the Legislative Council 15 May 1845 Perth Gazette 17 May 1845.)

It is evident that the apparently hopeless condition of affairs now affected the people generally.\* In May they presented a memorial to the Governor and Council\*\*

pointing out that though the colony was surrounded by the elements of wealth, possessed abundance of rich land, an industrious and intelligent population, a genial climate, and a geographical position with extraordinary commercial advantages, it was in a most critical position. The circulation was drained; immigration had ceased, emigration had commenced; the revenue was falling; property was almost valueless; trade was almost annihilated; and public confidence at an end. The causes of all the evils, it was asserted, were the drainage of specie, and, of course, the land regulations. The Governor was asked to make searching investigations as to the truth of the allegations, and then devise some remedy. What that remedy was to be or how it was to be applied there was not even an attempt to conjecture. The memorial was presented to the Legislative Council by George Leake, but that body refused to entertain it on the ground that its despondent tone and erroneous assertions were at variance with the facts, and tended to injure the country in the minds of intending immigrants. At the same time Leake endeavoured to secure the appointment of a committee to inquire into the conditions of the currency with a view of preventing the little specie that remained from leaving the colony before the end of the year. The Council, however, felt that that was a matter over which it had little or no control. The Governor maintained that the abstraction of specie was due to the system of trade adopted in the colony, that there were no real merchants but only traders, who did business "on the principle of Whittington and his cat." A motion to establish a Corn Law\*\*\* in the hope of effecting an improvement in prices also received an "unqualified and uncompromising rejection."\*\*\*\*\* An impartial consideration of the memorial and of Leake's motions fails to reveal any reason why they should have been treated so summarily. It was suggested at the time that the constitution of the Legislative Council itself supplied that reason, as the Council consisted principally of paid officials, upon whom the depression had no other effect than to enable them to secure necessities at lower prices than formerly. While one must acquit the members of being interested from that standpoint, it is nevertheless apparent that they showed a readiness to reject the various proposals for improvement without substituting any others of value to the community. That an injustice was done to the memorialists there is no manner of doubt. The tone adopted by them may have been despondent, but their statements were unfortunately far from erroneous. The colony WAS being drained of specie, and the Government must have been aware of the fact, as the colonial schooner was at the time under orders to proceed to the Mauritius for silver.\*\*\*\*\*

(\*Footnote. Some original letters from George Fletcher Moore to his father, J.S. Moore, written at this period, and now in the possession of Miss Wittenoom, Perth, contain extracts which are of some value as showing the position of the colony at this time: "Monetary affairs of the colony are getting into a very embarrassed state. There is no price to be got for anything that is to be sold, and there is no payment of interest or rents" (1 February 1844). "Times are certainly very much changed in this colony. Prices of anything colonial have fallen to less than one-third of what they were" (22 March 1844). "We have got into a most extraordinary state here. The money seems all to have vanished. Our colonial treasury had only 7 pounds 6 shillings and 5 pence in it after paying the salaries and disbursements of last month." After referring to cases of distress, he goes on: "These are not solitary instances, and there are worse times coming I fear" (7 July 1844). A somewhat different note is struck in the following: "By the natural course of things and the ordinary progress of the colony and the exertions of the settlers all combining

to one result, prices of stock and produce have fallen so that those who are in debt find it hard to raise money to pay. They feel embarrassed and make a great outcry about the distress of the colony as if people were starving for want of food, whereas it is because there is more food than people can readily find a market for that the colonists complain, and the high price of land is blamed as the cause of all this and never a word said about the high rate of living and extravagance' (9 August 1844).)

(\*\*Footnote. Proceedings of the Legislative Council 8 May 1845 Perth Gazette 10 May 1845. The text of the Memorial was published in Perth Gazette 3 May 1845.)

(\*\*\*Footnote. Proceedings of the Legislative Council 5 June 1845 Perth Gazette 7 June 1845.)

(\*\*\*\*Footnote. Inquirer 11 June 1845.)

(\*\*\*\*\*Footnote. Ibid.)

Further, emigration DID exceed immigration, as the official statistics showed, the number of departures for the year 1844/5 being 124 as against 72 arrivals.\* That the population increased from 4301 to 4369 in the twelve months was owing to an increase of 120 in the number of births over deaths.\*\* Trade was not annihilated, nor was property valueless, but the depression was so acute that the branch of the Bank of Australasia, which had been operating since 1839, was withdrawn from the colony, and the Western Australian Bank found that its dividend-paying capacity was shrinking.\*\*\* These things show that the statements, far from being erroneous, were in great measure true. They certainly were injudicious, but the answer of the Council was scarcely such as to lead the petitioners to see the error of their ways.

(\*Footnote. Annual report on births, marriages, and deaths 1844/5 Perth Gazette 18 October 1845.)

(\*\*Footnote. Ibid.)

(\*\*\*Footnote. Perth Gazette 5 July 1845.)

The land regulations continued; of course, to form a fruitful theme for discussion and complaint both in the Legislative Council and among the settlers generally. Since the promulgation of the regulations fixing the minimum price at 20 shillings per acre, immigration had almost ceased, and the revenue received from the sales of Crown lands had practically dwindled to vanishing point. The returns show that the amounts received during the five years were: in 1841 129 pounds; 1842 2 pounds; 1843 and 1844 nil; 1845 25 pounds; a total of 156 pounds.\* The whole population pleaded for the repeal of the regulations. Petitions were forwarded,\*\* strongly supported by the Legislative Council and by those in England who had knowledge of the colony, but all without effect. The Secretary of State positively declined to make any alteration.\*\*\* Notwithstanding repeated rebuffs, the Legislative Council made a further attempt in June and July 1845.\*\*\*\* A series of propositions was tabled declaring that the experiences of nearly three years had confirmed the opinions expressed in the protest of 1842; that the system was noxious in its effects, having stopped immigration and reduced the value of property; that the want of attention shown by the Imperial Government to the remonstrances of the colonists was to be regretted; that the effect of the regulations, which applied only to Australia, had been to divert the tide of emigration to the African and American colonies; that any



legislation deterring immigration was unjust, especially when capital and labour were abundant in Great Britain; that it was unjust to charge the colony with the expense of importing labour; and that the system of occupation of Crown lands was opposed to the opinions and wishes of the colonists. These propositions were all carried in spite of the strong opposition of the Governor and Advocate-General. Later in the month this latter officer brought forward a further series of motions dealing with the same subject, but couched in different language. As some of these met with opposition they were all withdrawn. A memorial embodying the whole of the resolutions was then drawn up and transmitted to the Secretary of State,\*\*\*\*\* who replied that the "system of land sales must remain untouched."\*\*\*\*\*

(\*Footnote. Proceedings of the Legislative Council 19 June 1845 Inquirer 25 June 1845.)

(\*\*Footnote. Hutt to Lord Stanley 9 January 1843 Numbers 5 and 7.)

(\*\*\*Footnote. Lord Stanley to Hutt 11 August 1843.)

(\*\*\*\*Footnote. Proceedings of the Legislative Council 19 June and 10 July 1845 Perth Gazette 21 June and 12 July 1845.)

(\*\*\*\*\*Footnote. Hutt to Secretary of State 15 August 1845.)

(\*\*\*\*\*Footnote. W.E. Gladstone to Governor Clarke 14 March 1846.)

Another suggestion for affording relief was the inauguration of a spirited public works policy. At the instance of the settlers an Act was passed by the Council authorising a loan of 2000 pounds at 7 per cent for the purpose of building a gaol and carrying out other necessary works such as road-making.\* The Act was disallowed by the Colonial Office\*\* on the ground that in a small colony with a barely sufficient income it was unwise to anticipate revenue. At the same time it was resolved to apply to the Imperial authorities for a loan of 10,000 pounds for public works.\*\*\* The request was accordingly made,\*\*\*\* but refused on the ground that it was against the principles of the Government regarding colonial affairs.\*\*\*\*\* An assessment on land for road purposes was also brought forward, but did not meet with the approval of the Council, which suggested that the trustees for roads should use the power they possessed of raising a loan on the security of the tolls.\*\*\*\*\*

(\*Footnote. Proceedings of the Legislative Council 10 July and 5 August 1845 Perth Gazette 12 July and 9 August 1845.)

(\*\*Footnote. Gladstone to Clarke 14 March 1846.)

(\*\*\*Footnote. Proceedings of the Legislative Council 10 July 1845 Perth Gazette 12 July 1845.)

(\*\*\*\*Footnote. Hutt to Lord Stanley 20 August 1845.)

(\*\*\*\*\*Footnote. Gladstone to Clarke 15 January 1846.)

(\*\*\*\*\*Footnote. Proceedings of the Legislative Council 21 August 1845 Perth Gazette 23 August 1845.)

During the year 1845 further efforts were made to increase the export of wool and oil, and establish a permanent trade in other commodities. An experimental shipment of four tons of sandalwood realised 40 pounds,\* and a contract was made to supply 400 tons of jarrah to the Admiralty for use in the dockyards.\*\* The Vineyard Society, formed in 1842 to promote the culture of the vine and olive, reported the satisfactory

production of wine.\*\*\* The total exports for the year came to 13,353 pounds, of which 7257 pounds was represented by wool, and 4228 by oil and whalebone.\*\*\*\*\*

(\*Footnote. Blue Book 1845 page 124.)

(\*\*Footnote. Perth Gazette 17 and 24 May 1845.)

(\*\*\*Footnote. Inquirer 2 April 1845.)

(\*\*\*\*Footnote. Blue Book 1845 page 124.)

In the midst of the colony's troubles, when an experienced Governor with extensive local knowledge was particularly desirable, Governor Hutt announced his intention to retire. He had for some time past been in indifferent health, and felt that it would be wise to take advantage of the expiry of his term and return to England. He left the colony in H.M.S. Fly on 19 February 1846.

Upon the whole Hutt cannot be considered to have been a popular Governor. He was universally respected for his uprightness of character and for the strict and steady impartiality that marked his administration, but he received none of that enthusiastic admiration which was accorded to Sir James Stirling. Following upon that officer whose inclinations and opinions were almost invariably on the side of the settler and opposed to the Home authorities, and possessing as he did rigid principles and a deep sense of the importance of his position, he was bound to come into conflict with the people whom he was called upon to govern, more especially as he allowed neither personal friendships nor local influences to interfere with the performance of his duty.\* His unpopularity was mainly due to his strict enforcement of the land regulations and his refusal to admit that every regulation of the Colonial Office which did not meet with the approval of the settlers was wrong. He was undeservedly blamed for advising the British Government to raise the selling price of Crown lands and equally undeservedly accused of being the cause of the depression that existed. The apparent failure of his financial administration was more than anything due to the fact that he assumed the reins of government just at the time when a strong reaction was manifesting itself throughout Great Britain against the extreme emigration policy of the previous decade. All the colonies suffered from that reaction, but none so severely as Western Australia, which had in addition to fight against continued misrepresentation and falsehood. In these circumstances it was almost impossible to estimate with any degree of assurance either the revenue or the expenditure for any period in advance. By the exercise of extreme caution and circumspection Hutt probably saved Western Australia from some of the disasters that the other colonies suffered, though it is possible that that same caution retarded the colony's advance when matters generally throughout Australia began to right themselves.

(\*Footnote. "He is not popular here because he is of South Australian or Gibbon Wakefield and Whig radical politics, but he has been an excellent Governor for us, prudent and careful in the management of public funds, and just and conscientious in his administration, and having less propensity for jobbing than most public men." G.F. Moore to his father 9 August 1844. Quotation taken from manuscript letter not printed.)

His policy toward the aborigines also roused the opposition of the colonists when it was first made known. They regarded it as the outcome of mawkish sentimentality toward the natives on the part of people in England, who really knew nothing of the

practical side of the question, and they considered that its only effect would be to increase the lawlessness and violence of the savages. By the end of Hutt's term, however, the settlers were convinced that the friendly intercourse between the whites and the natives and the absence of strife were due to the humane measures he had adopted.

Consideration of these various matters leaves little doubt that his administration was on sounder lines than that of his predecessor. In fact, many of the difficulties that he had to face were the result of a certain degree of partiality on the part of Sir James Stirling, and the opposition he met with, both from the Legislative Council and the colonists generally, would have fallen to the lot of any man who endeavoured to carry out strictly the duties imposed by his commission. As a kind friend his departure was regretted by all, though in the minds of many that regret was tempered by the knowledge that his departure put a stop to his administration. But judged apart from the influence of the immediate circumstances, that administration, though unpalatable, was wise and necessary in the interests of Western Australia, and that fact would probably have been recognised at the time had it not been that long before his arrival he had been prejudged as a man of strong personality with distinct leanings towards the policy of the Colonial Office.

When information reached England that Hutt intended to retire, attempts were made, without success, to secure the appointment of Marshall Waller Clifton, the ex-Chief Commissioner of the Western Australian Company.\* In August 1845, Lieutenant-Colonel Andrew Clarke, K.H., was appointed to succeed Governor Hutt, and arrived in the colony in February 1846. An Irishman by birth, Lieutenant-Colonel Clarke had had previous administrative experience as Governor of St. Lucia.\*\* The common belief that when things are particularly bad a change of Government will often bring relief, seemed in a measure justified by the new Governor's arrival. Certainly the colony had touched bottom, and there began a slow but appreciable improvement in affairs. When the financial year closed in March it was found that the revenue estimated at 6920 pounds had yielded 7866 pounds, and showed a surplus of 335 pounds over the expenditure.\*\*\*

(\*Footnote. Swan River News and Western Australian Chronicle London volume 2 page 165.)

(\*\*Footnote. Ibid page 183.)

(\*\*\*Footnote. Proceedings of the Legislative Council 23 April 1846 Inquirer 29 April 1846.)

In January 1846, a dispatch was received from the Secretary of State for the Colonies\* informing the Governor that the Act of 1844 imposing certain duties on imports had been disallowed, such disallowance to take effect three months after receipt of the notification. The ground of objection was the same as Governor Hutt had urged so strongly when the matter was under consideration, namely, that the proposals were bad in principle. Other proposals to take the place of those annulled were suggested in the dispatch, and Governor Clarke called the Legislative Council together to consider these. In accordance with the suggestions--practically directions--of the Secretary of State the Act of 1844 was repealed and a further one substituted for imposing duties by way of revenue only, and not by way of protection.\*\* This Customs Ordinance (9 Victoria Number 7) is rather of importance, as it was distinctly

preferential in character, all imports from foreign countries being charged with a duty twice as great as that on imports from any part of the British empire. The basis of value for computing the duty was the invoice price with 20 per cent added.

(\*Footnote. Lord Stanley to Hutt 12 September 1845.)

(\*\*Footnote. Proceedings of the Legislative Council 3 and 16 April 1846 Inquirer 8 and 22 April 1846.)

Another ordinance of importance passed at this time was one repealing the pilotage dues and making the ports of Western Australia free to the world.\* It was thought that the high dues exacted from the masters of incoming vessels had done much to keep ships away from the colony, and had consequently hindered the development of an export trade. As an experiment it was worth trying, as the colony had little to lose by it, and so far as one can judge it had some effect in inducing vessels to make Fremantle one of their ports of call.

(\*Footnote. Ibid 23 April 1846 Perth Gazette 25 April 1846.)

Owing to the illness of the Governor, little else was done by the Legislative Council beyond passing the Estimates (revenue 7670 pounds; expenditure, 7610 pounds) for 1846/7 and agreeing to the perennial resolutions opposing the price of Crown lands and objecting to the system generally.\*

(\*Footnote. Ibid 16, 23 and 30 April 1846 Perth Gazette 18 and 25 April, 2 May 1846.)

In the English parliament the only matter of interest to the colony was a Bill to continue the operation of the Act of George IV with regard to the Government of Western Australia. The discussion that took place in the House of Lords is interesting because it foreshadowed the granting of responsible Government to the Australian colonies.\* Earl Grey expressed the opinion that the earlier system of colonisation, by which the colonists were allowed to manage their own affairs without any interference on the part of the Mother Country, was infinitely safer, wiser, and better than that which had of late years been adopted. The whole system of the Government of Australia required revision, and to be placed on an improved and permanent footing. Then, according to The Times' report,\*\* the Duke of Richmond gave notice that IF THERE WERE NO REMEDY FOR THE FRIGHTFUL EVILS EXISTING IN THIS COLONY FROM THE STATE OF THE CONVICTS TRANSPORTED he would move for a committee of inquiry, for in no country calling itself Christian was there a worse state of depravity. Lord Lyttelton, the Under-Secretary of State for the Colonies, replied that he had paid attention to the subject and had strong hopes of being able to produce a measure during the session to redress those evils. When this report reached Western Australia there was great public indignation, as up to that time the settlers had always proudly emphasised the fact that the colony was free from taint. The statements were put down as being one more indication of the woeful ignorance existing even in high places. A reference to Hansard shows, however, that both the Duke of Richmond and Lord Lyttelton were referring to the convict system in Australia as it then existed, and not to Western Australia, so that considerable public energy seems to have been unnecessarily expended over the matter.

(\*Footnote. Hansard third series volume 86 page 171 7 May 1846.)

(\*\*Footnote. Swan River News volume 3 page 44; Inquirer 21 October 1846.)

Though the depression was by no means at an end, it seemed to be lessened in tension after Governor Clarke's arrival in 1846. The reason is probably to be found in the fact that Hutt's advice to develop the various potentialities and encourage an export trade was being acted upon. In January 1846 the Unicorn left Fremantle with the largest cargo of Western Australian produce that had so far been exported, consisting mainly of wool, oil, and timber.\* The timber trade particularly began to arouse a great deal of interest. For years previously boats had been built of local wood, but in 1846 something better was attempted, and three small ships, the largest capable of carrying 300 tons, were constructed at Fremantle.\*\* Various vessels were also repaired in the colony, and in the case of one of them, the Halifax packet, Lloyd's surveyor expressed great satisfaction with the class of wood used.\*\*\* The colonists were advised that a ready market existed in England for colonial hardwoods,\*\*\*\* and prepared a good deal for dispatch, but unfortunately, the want of shipping facilities greatly hindered the development of the trade.\*\*\*\*\* In order to extend operations, the Western Australian Bank offered liberal assistance to those cutting timber. It agreed to advance 2 pounds for every load stacked on the beach and a further 10 shillings when the load was shipped.\*\*\*\*\* During the year trade with the Mauritius was also encouraged, and the foundations laid for the export of sandalwood\*\*\*\*\* to Ceylon and China. At the end of 1846 it was estimated that 200 tons of this wood were ready for dispatch, the total value of timber actually exported during the twelve months being 575 pounds.\*\*\*\*\*

(\*Footnote. Perth Gazette 24 January 1846.)

(\*\*Footnote. Inquirer 26 August 1846.)

(\*\*\*Footnote. Swan River News volume 3 page 27.)

(\*\*\*\*Footnote. Swan River News volume 3 pages 9, 19, 27 and 35.)

(\*\*\*\*\*Footnote. Perth Gazette 17 October 1846.)

(\*\*\*\*\*Footnote. Inquirer 28 August 1844.)

(\*\*\*\*\*Footnote. Perth Gazette 31 January 1846.)

(\*\*\*\*\*Footnote. Statistical Summary Appendix 4.)

In addition to the interest shown in the development of the timber resources there was an encouraging revival of whaling, and when the season was concluded the amount of oil and bone secured for export was valued at nearly 7000 pounds.\*

(\*Footnote. Inquirer 16 December 1846.)

A further interesting development in 1846 was in the direction of minerals. Rumours of mineral discoveries had repeatedly been made in previous years, but nothing had come of them, though both explorers and geologists expressed the opinion that the country was not devoid of mineral wealth. Some incentive to search was given by the discovery of copper in 1842 and 1844 in the neighbouring colony of South Australia, which by 1845 had become a revenue-producing factor.

About the middle of the year, specimens of coal of an inferior quality were discovered in the Murray district.\* The Government, recognising the bearing which the discovery of coal measures would have upon the development of the colony, proceeded to make a closer examination of the district.\*\* The reports received were favourable and great public interest was aroused. Rumours of mineral finds became general, and for a time practically the whole population seems to have been attacked by mining fever.\*\*\*

(\*Footnote. Ibid 29 July 1846.)

(\*\*Footnote. Ibid.)

(\*\*\*Footnote. Ibid 12 August 1846.)

Toward the end of August a meeting was held and a committee appointed at Perth with a view to the formation of a company for the purpose of investigating the mineral resources of the colony.\* The first locality to be tested was the supposed coal-bed on the river Murray. As a result of the efforts of this committee there was issued in September the prospectus of the Western Australian Mining Company, with a capital of 20,000 pounds.\*\*

(\*Footnote. Inquirer 2 September 1846.)

(\*\*Footnote. Ibid 23 September 1846.)

A few days later came the announcement of a further discovery of coal on the Irwin River by A.C. Gregory, the Assistant Surveyor-General, and his brothers. These officers returned from an expedition to the north of Perth with a large block of coal said to have been taken from a seam six feet thick.\* On the strength of the discovery the actual finder, Mr. H.C. Gregory, applied for the free grant of 2560 acres promised in 1839 to the discoverer of coal.\*\* A party under Lieutenant Helpman was sent to report on these discoveries early in the following year, and returned with the information that the coal seam had been traced for several miles.\*\*\* The Government Gazette announced that the party had proved "the existence of a large and open bed of coal" at the locality indicated by Messrs. Gregory.\*\*\*\*

(\*Footnote. Ibid 30 September 1846.)

(\*\*Footnote. This was granted. See Earl Grey to Irwin 22 August 1847.)

(\*\*\*Footnote. Inquirer 20 January 1847.)

(\*\*\*\*Footnote. Western Australian Government Gazette 8 January 1847.)

Meanwhile the Mining Company had started operations, and a bore was sunk in the Murray district. At a depth of 40 feet coal of a better quality was reached,\* but farther down the indications were not so good. Then trouble arose, as the shareholders were "sordid persons" and looked for dividends, and an expert, Dr. F. von Sommer, was commissioned to report upon the prospects. The report was that of a true "mining expert," vague and unsubstantial, and asked for further time for investigation.\*\* In March 1847 shafts were sunk near Kelmscott in the Canning district, in the hope of securing lead. This hope was not realised, but an analysis of 100 pounds of ore taken out showed 66 per cent zinc, 13 per cent sulphur, and 10 per cent iron, the remainder being earthy matter.\*\*\* Zinc, however, had little value on the market at the time, and

as a reaction after the mining fever had set in, very little more in the direction of mineral investigation was done for some years.

(\*Footnote. Inquirer 23 December 1846.)

(\*\*Footnote. Ibid 7 April 1847 report from Dr. von Sommer 31 March 1847.)

(\*\*\*Footnote. Ibid 26 May 1847 Von Sommer's report 24 May 1847.)

Changes in the Government became necessary about this time owing to the death of the Colonial Secretary in 1846, and of the Governor early in the following year. The office of administrator devolved upon Lieutenant-Colonel Irwin, while the Colonial Secretaryship was filled by the temporary appointment of the Advocate-General, G.F. Moore.

The Legislative Council met in June 1847, and from the Governor's speech it is apparent that an improvement was taking place in local affairs. Rapid progress had been made in the acquirement of internal wealth and in the development of the colony's resources. The revenue for 1846/7 amounted to 8453 pounds, while the expenditure was only 7966 pounds, leaving, with the previous year's surplus, a credit balance of 821 pounds.\* Owing to the improvement in the finances the Governor announced that he had been able to arrange for the colonial schooner Champion to proceed to Singapore for the purpose of securing a supply of Chinese, who would be under engagement to remain in the colony for three years. By this means he hoped that considerable relief would be afforded to the settlers by supplying the deficiency existing in the labour market.\*\* Another matter of importance mentioned in the speech was an increase of 6869 pounds in the value of exports for 1846/7 over those of 1845/6, which brought the exports to within 5000 pounds of the imports.

(\*Footnote. Proceedings of the Legislative Council 3 June 1847 Perth Gazette 5 June 1847.)

(\*\*Footnote. Ibid.)

In pursuance of the intention mentioned in the speech, the Champion was later in the year dispatched to Singapore and returned with a few Chinese servants.\* Colonies of German immigrants were at that time being imported into South Australia with more than a little success, and, bearing that in mind, the Legislative Council appointed a committee to consider how best to secure part of that stream for Western Australia.\*\* Nothing resulted, however, except a report of a valueless nature.\*\*\*

(\*Footnote. Perth Gazette 6 November 1847.)

(\*\*Footnote. Proceedings of the Legislative Council 8 July 1847 Perth Gazette 10 July 1847.)

(\*\*\*Footnote. Ibid 13 July 1847 ibid 15 July 1847.)

The session of 1847 was marked by extreme activity in matters of legislation. The list of measures proposed almost looks as if Irwin was anxious to get his personal ideas passed into law quickly and before a successor to the late Governor could arrive from England. The chief proposal was one to place an export tax on sandalwood, the proceeds to be devoted to the maintenance of roads.\* This aroused very strong opposition,\*\* in deference to which it was withdrawn for a time in favour of a system

of licence fees for permission to cut sandalwood.\*\*\* It was reintroduced later in the year and passed into law,\*\*\*\* but by May 1848 the effects of it had become so marked and the ordinance itself so unpopular that it was suspended for six months\*\*\*\*\* and not renewed during the year. Another measure of importance was the abolition of the General Roads Trust and the substitution of a Central Board of Works, charged with the construction and maintenance of the roads throughout the colony.

(\*Footnote. Proceedings of the Legislative Council 9 September 1847 Perth Gazette 11 September 1847.)

(\*\*Footnote. Report of public meeting Perth Gazette 18 September 1847.)

(\*\*\*Footnote. Western Australian Government Gazette 1 October 1847.)

(\*\*\*\*Footnote. Ibid 3 December 1847.)

(\*\*\*\*\*Footnote. Perth Gazette 27 May 1848.)

In 1847 an addition was made to the official members of both the Legislative and Executive Councils by the appointment of the Collector of Customs, H.C. Sutherland. The unofficial portion also underwent some change through the resignation of Mr. Singleton, who was succeeded first by Mr. Andrews and afterwards by Mr. S. Moore.

That the depression was giving way before the determined energies of the people is apparent from the exports for the year. Ever since the foundation of the colony the value of the imports had largely exceeded that of the exports, but in 1847 it was found that against imports to the value of 25,463 pounds the colonists were able to place 24,535 pounds in exports. One remarkable feature was the growth of the sandalwood trade. In 1846 it was valued at 320 pounds; in 1847 it had reached 4444 pounds.\* The revenue, too, was distinctly buoyant; the estimate of 8070 pounds was exceeded by nearly 400 pounds, and that without any appreciable increase in the expenditure. The Estimates for 1847/8 were framed on more hopeful lines, and the revenue was set down at 9221 pounds.\*\*

(\*Footnote. Statistical Summary Appendix 4.)

(\*\*Footnote. Proceedings of the Legislative Council 8 July 1847 Perth Gazette 10 July 1847.)

In January 1848, news of the appointment of Captain Charles Fitzgerald as Governor was received with every manifestation of delight. Though the colonists respected Irwin as a man, they had a decided objection to him as Governor. His methods of raising money were particularly obnoxious, and every administrative act was viewed with suspicion. It is doubtful whether any reason for the opposition could have been given. Long years of depression and struggle had made the colonists pessimistic, and, like discontented British subjects in every quarter of the globe, they threw the blame upon the Government of the day. The Inquirer, a journal possessing a much wider circulation than the Perth Gazette, was probably the instigator of most of the feeling displayed, its editor being a disappointed office seeker.\*

(\*Footnote. Perth Gazette 29 January and 5 February 1848. There are also repeated references to the attitude of the newspaper towards the Lieutenant-



Governor and his officers in the manuscript letters of G.F. Moore already referred to.)

As the new Governor did not arrive until some months after the announcement, it fell to the lot of Irwin to preside over the session of the Legislative Council, which opened in March 1848, and in which the newly-arrived Colonial Secretary (Dr. Richard Robert Madden) took his seat for the first time. The outlook, as disclosed by the Governor's speech, was becoming brighter; the revenue had exceeded the expenditure, exports were increasing in value, and approximating even more nearly to the imports than in the previous year; and in every direction there was evidence that the severe period of depression was coming to an end. Beyond passing the Estimates for 1848/9 little business was done, as Irwin intimated that he did not wish in any way to hamper the movements or anticipate the ideas of the new Governor, who was believed to be on his way to the colony.\* It became necessary, however, to summon a second session in June, to consider a dispatch from the Secretary of State for the Colonies.\*\* For the sake of convenience the Council had adopted the practice of passing in March the Estimates for the succeeding year commencing in April, instead of those for the year later, as the financial regulations required them to do.

(\*Footnote. Proceedings of the Legislative Council 22 and 30 March 1848  
Perth Gazette 25 March and 8 April 1848.)

(\*\*Footnote. Earl Grey to Irwin 11 February 1847.)

The dispatch drew attention to this regulation and required that the Estimates of the Council should be prepared in advance so that the Home authorities might have the opportunity of pronouncing upon them before they actually came into operation. In pursuance therefore of this direction the Governor presented to the Council the Estimates for 1849/50, which showed a decrease of 500 pounds on the figures for 1848/9.\* As soon as the Estimates were out of the way, two other very important matters were brought up for consideration. One was the necessity for further exploration, not so much for the purpose of accurate survey as with the object of finding, if possible, further suitable land for pastoral pursuits. The land available for sheep was all in use, and the want of new depasturing districts was severely felt. It was agreed that the Surveyor-General should lead an expedition through the south-east in the following September.\*\* The other matter considered was the constitution of the Legislative Council.\*\*\* Out of the ten members, seven held their seats by virtue of their official positions as Government officers. Only three were what might be termed unofficial, and these were appointed by the Colonial Office upon the Governor's nomination. There being apparently no chance of securing any alteration in the direction of elective representation, an endeavour was made, without success, in 1845 to secure the appointment of additional unofficial members. The question was again raised in 1848, and a committee was appointed to prepare a statement upon the constitution of the Council for presentation to the Secretary of State. The statement showed that originally the power of legislation, including taxation, was vested in the Executive alone; that four unsalaried members were afterwards added to form a mixed Legislature of five salaried officers and four unofficial colonists; that the principles of constitution of that body reserved to the Crown the nomination, suspension, and removal of members, and vested the initiation of Bills, the option of putting questions to the vote, and the power of veto in the Governor; that on a vacancy occurring in the unofficial membership a salaried officer, the Colonial Judge,

had been appointed; and that a further salaried officer, the Collector of Revenue, had since been added, making the proportion of salaried officers to unofficial members that of seven to three. Various suggestions for the equalisation of representatives were made, but left to the Home Government to settle. One thing was definitely requested: that the unanimous vote of the unofficial members against a proposition should have the effect of vetoing it.\*\*\*\*

(\*Footnote. Proceedings of the Legislative Council 29 June 1848 Perth Gazette 1 July 1848.)

(\*\*Footnote. Ibid 13 July 1848 Perth Gazette 15 July 1848.)

(\*\*\*Footnote. Ibid 20 July 1848 ibid 22 July 1848.)

(\*\*\*\*Footnote. Proceedings of the Legislative Council 25 July 1848 Perth Gazette 29 July 1848.)

The report of the committee did not meet with approval. In place of it an amendment was passed asking that three or four unofficial members be added to the personnel of the Council. The request was duly forwarded with the favourable recommendation of Irwin.\* It was followed less than a month afterwards by a dispatch from Governor Fitzgerald\*\* deprecating any such change. The Secretary of State declined to sanction any alteration of the Council until the colony was prepared to relieve the British Government from any payments by way of parliamentary grant.\*\*\*

(\*Footnote. Irwin to Earl Grey 3 August 1848.)

(\*\*Footnote. Fitzgerald to Earl Grey 21 August 1848.)

(\*\*\*Footnote. Grey to Fitzgerald 26 December 1848.)

With these matters the administration of Lieutenant-Colonel Irwin closed, the new Governor arriving at Fremantle on 10 August. As previously noted, Irwin's methods of Government were not popular, and the termination of his authority was viewed with some degree of satisfaction, not perhaps unshared by the Commandant himself, who had grown weary of the determined opposition shown toward every proposal made by him and the continual misrepresentation to which he was subjected. Captain Fitzgerald, who was not without administrative experience, having been Governor of the Gambia for nearly four years, was hailed with delight almost as the saviour of the colony, and addresses of welcome showered upon him from all quarters.

No matters of any political importance arose during the remainder of 1848. As a result of agitation on the part of colonists in England, the Colonial Office sanctioned the raising of a loan for immigration purposes upon the security of the Land Fund.\* As there did not happen to be a solvent Land Fund in Western Australia, no benefit was derived from the concession.

(\*Footnote. See letter from Louis Samson printed in Perth Gazette 16 December 1848.)

Evidences of returning prosperity may be found in the exports for the year, which amounted in value to 29,598 pounds. Of this total, sandalwood, which three years previously had not been considered as an asset of any value, accounted for 13,353\* pounds, more than the export value of wool and oil together. There is no doubt that an

equally large trade in the local hardwoods--the jarrah and karri--would also have been developed at this period if the colonists had only had at their command facilities for cutting and preparing large quantities. A demand for these hardwoods had certainly arisen, but the colonists were quite unable to meet it. Contractors for railway construction in India were ready to use the timber,\*\* but unfortunately could not get it as rapidly as they required it. To overcome the difficulties an attempt was made in Madras to form a Western Australian Timber Company,\*\*\* but without success. Later in the year a small company was formed at Perth with a capital of 1000 pounds,\*\*\*\* a sum so small that the concern was necessarily doomed to failure.

(\*Footnote. Statistical Summary Appendix 4.)

(\*\*Footnote. See Irwin's speech to Legislative Council 22 March 1848 Perth Gazette 25 March 1848.)

(\*\*\*Footnote. Perth Gazette 8 April 1848.)

(\*\*\*\*Footnote. Ibid 21 and 28 October 1848.)

The Mining Company continued its operations during the year, and shafts were sunk in various places in the hope of discovering payable minerals. The expectation that good coal existed on the Murray had not been borne out, and the expert, Dr. von Sommer, was sent to examine the coal find of the Messrs. Gregory. The only valuable result from these wanderings that seems to have accrued to the colony was a geological map of the south-western division. Besides coal, continual rumours were circulated that copper was also to be found. Some ore sent from Kelmscott to South Australia was declared to contain that metal, and further discoveries of it were reported from Hardey's property, near York, but no serious attempt at mining was made until the end of the year, when lead was discovered in the Northampton district and the Geraldine Lead Mine opened up.

The rumours of minerals and the necessity of further country for the extension of the pastoral industry led to a revival in exploration during the period 1843 to 1850. Early in 1843 Landor and Lefroy made a short trip to the south-east of York and Beverley in search of a large inland sea mentioned by the natives. Beyond the headwaters of the Hotham and the Williams they did discover some lakes, but they were for the most part salt, and were not surrounded by country at all favourable for pasturage.\* In the following year Lieutenant Helpman in the schooner Champion was dispatched to Gantheaume Bay, at the mouth of the Murchison River, and brought back reports confirmatory of Captain Stokes' observations on the general character of the country.\*\* An excursion down the Blackwood River was made by Assistant Surveyor A.C. Gregory in 1845, and in 1846 the same officer, accompanied by his brothers F.T. and C. Gregory visited the salt lake region of the interior. It was in the course of this expedition, while examining the rivers reported by Grey in 1839, that the discovery of a coal seam was made near the source of the Irwin.\*\*\* The same party made a further examination of the Murchison and Gascoyne districts late in 1848, and discovered a galena lode in the bed of the Murchison River.\*\*\*\* So much interest was shown in this discovery, that in December the district was visited by the Governor and the Geraldine Mine established.\*\*\*\*\* It was during this journey that Governor Fitzgerald was speared by the natives.\*\*\*\*\* In the same year the Surveyor-General started on the longest of those expeditions which earned for him the title of the father of Australian explorers. Starting from York and making toward

the south-east, he reached the Pallinup in October, and from there turned easterly until the Bremer Range was reached. No better country than dense scrub and salt lakes could be seen farther on, so Roe retreated toward the coast, stopping only at the Russell Range, after being without water for three days and nights. On the return journey several extensive beds of brown coal were found at the Fitzroy River. The party reached Perth in February 1849, after having explored 1800 miles of country, some of which was heavily timbered with woods of commercial value.\*\*\*\*\*

(\*Footnote. Report in Inquirer 8 February 1843.)

(\*\*Footnote. Swan River News volume 2 pages 180 and 181.)

(\*\*\*Footnote. Inquirer 30 September 1846.)

(\*\*\*\*Footnote. Perth Gazette 25 November 1848.)

(\*\*\*\*\*Footnote. Ibid 30 December 1848.)

(\*\*\*\*\*Footnote. Ibid 19 December 1848.)

(\*\*\*\*\*Footnote. Lands Department Western Australian Explorers' Diaries 1846 to 1865 pages 107 et seq.)

The subject of the land laws, both as regarded sale and leasing, was still considered of profound importance by the colonists, and the agitation which had been carried on practically from the inception of the colony still continued. In this respect Western Australia was not singular. In January 1848 the Legislative Council of New South Wales had forwarded to the Colonial Office the report of a committee which sought a reduction in the minimum price of Crown lands. The reply\* to this report, a copy of which was sent to Western Australia, stated that "the very same arguments which are now brought forward against the establishment of the minimum price of 1 pound per acre in 1841 were urged with no less confidence against the establishment of a minimum price of 5 shillings per acre as a substitute for free grants in 1831, and the subsequent advance of the price to 12 shillings an acre in 1839. Each of these changes has been regarded with equal apprehension, yet, as I have observed, it is with the adoption of that policy, which has equally dictated each successive advance in the price of land, that the great progress of the colony may be said to have commenced." This reply, which was applied to the Australian colonies as a whole, scarcely answered the arguments advanced; and certainly the latter part of it, as far as Western Australia was concerned, was not borne out by the facts. The amount received from the sale of Crown lands under the regulation was pitifully small, and did not in any way contribute toward great progress. For years after the regulation came into force, adversity rather than prosperity ruled in the colony, and the improved state of affairs in 1847 and 1848 was due more to the development of an export trade than to any beneficial effect of the land regulations.

(\*Footnote. Earl Grey to Sir Charles Fitzroy 11 August 1848 in Perth Gazette 25 May 1849.)

In addition to the question of sale there was also that of leaseholds, an important matter in a country which looked to squatting as one of its mainstays. During Governor Hutt's term, regulations for the disposal of Crown lands had been passed which allowed purchasers of sections of 160 acres the right of pasturage over adjacent Crown lands.\* This was considered a step in the right direction, and the people were

much disappointed when the regulations were disallowed by the Colonial Office.\*\* In 1848 two circular dispatches were sent to all the Australian colonies by Earl Grey,\*\*\* suggesting a new set of land regulations to deal chiefly with the question of leasing the waste lands of the crown. To carry this suggestion into effect so far as Western Australia was concerned, the Legislative Council appointed a committee to draw up regulations for consideration. This committee, all of whose members were large landowners, advised\*\*\*\* that the Crown lands of the colony should be divided into two classes, A and B; that within class A should be included all lands within three miles of a town-site or of land already granted in fee simple; all land within two miles of the seacoast; all within two miles of either bank of the named rivers or permanent streams; and all within ten miles of the summit of Wizard's Peak, of the junction of the Fitzgerald and Elwes Rivers, of the summit of East Mount Barren, and of such other places as the Governor might proclaim. Class B was to comprise all other lands open for location. In class A only yearly leases for pastoral purposes could be granted; in class B leases could be given for any term not exceeding eight years. Allotments of not more than 320 acres of A land could also be secured on lease for a term up to eight years for cultivation and tillage, and holders of leases of B land could cultivate any portion of it. These proposals, it may be seen, virtually prohibited squatting within reasonable distance of good water or permanent settlement. It was felt that they were framed entirely from the point of view of the large landowner, a feeling that was strengthened by the fact that the committee among them held nearly one-half of the alienated land of the colony. Possessing no representation in the Council, the only means the settlers had of voicing their objections were by public meetings and memorials. A public meeting was therefore held on 18 July 1849, at which a resolution was unanimously passed:

"That in the opinion of the meeting the regulations framed by the committee for the occupation of waste Crown lands are unsound in policy, unjust in principle, inapplicable to the wants of the colony, in opposition to the wishes of the colonists, and if adopted will tend to frustrate the introduction of immigrants, the increase of revenue, the production of wool, and cause a gradual depopulation of the settlement.\*\*\*\*\*

(\*Footnote. Copy of regulations in Western Australian Government Gazette 18 June 1841.)

(\*\*Footnote. Western Australian Government Gazette 22 July 1842.)

(\*\*\*Footnote. Earl Grey to Sir Charles Fitzroy 29 November 1846 and 30 March 1847 in Perth Gazette 4, 11 and 18 November 1848.)

(\*\*\*\*Footnote. Report of Committee in Perth Gazette 22 June 1849.)

(\*\*\*\*\*Footnote. Perth Gazette 20 July 1849.)

The meeting then approved an amended set of regulations, and concluded by agreeing that a memorial should be forwarded to the Secretary of State informing him that the colonists had no confidence in certain members of the Executive Council, and, further, that the Governor be asked to allow the colonists, in case of a vacancy in the Legislative Council, to select a member from the list approved by the Home authorities. As, however, the Governor decided to amend the most objectionable clauses of the committee's proposed regulations, no further action was taken.\* It may be mentioned that Irwin was the chairman of the committee, which doubtless in great

measure prompted these last resolutions. In fact, throughout the whole discussion this point was emphasised, and there is just the possibility that it influenced the meeting more than any definite objection to the proposed regulations.

(\*Footnote. Western Australian Government Gazette 9 October 1849 Perth Gazette 12 October 1849.)

In spite of the political troubles and financial difficulties, the colony's affairs showed a distinct upward trend by the end of the period 1843 to 1849. A census taken in October 1848\* showed that the population of the colony was 4622--made up of 2818 males and 1804 females, while of the total number 2900 were adults. The stock numbered 141,123 sheep, 2095 horses, 10,919 cattle, 1431 goats, and 2287 swine. The cultivated area comprised 3317 acres under wheat, 672 under barley, 134 oats, 100 rye, 39 maize, and 120 potatoes. Vineyards and fruit orchards were represented by 114 acres, kitchen gardens by 244, and green crops by 2321. Mail communication had been improved, and by the end of 1848 a monthly service between Fremantle and London via Singapore had been inaugurated. Bridges had been built, main roads cut, and overland traffic established between Perth and Albany. Educational facilities, certainly only of a very primary character, had been afforded to most of the settled townships, and places of worship for the principal sects erected in Perth. The greatest event in religious circles was perhaps the establishment of the Roman Catholic Church. The authorities in Sydney had been requested in 1842 to send someone to minister to the needs of members of that communion, and in the following year the Reverend John Brady, together with an assistant priest and a catechist, was detailed for the work. Almost from the first they were infected with the desire to carry on extensive mission work among the natives, and when Father Brady visited Rome in 1844 he suggested that Dr. Ullathorne should be appointed Bishop of Perth, and that two missions should be established for the aborigines. Dr. Ullathorne declined the appointment when offered, and father Brady was consecrated bishop at Rome in 1845. Having collected a staff of priests and helpers, he arrived in Western Australia with his party in January 1846. The Bishop remained in Perth and the others were sent out into the wilderness to form missions to the north, south, and east of the capital. The first two, for various reasons over which the devoted band had no control, proved entirely unsuccessful, and those priests who survived the attempts made their way to India and the Mauritius. Of all who had come out with Bishop Brady only two remained, two whose names are cut deeply in the history of the Roman Catholic Church in Western Australia, Guiseppe Serra and Rosendo Salvado. After a brave struggle they established a mission for the aborigines at New Norcia, in the Victoria District, and laid the foundations of perhaps the most successful native mission in Australia.\*\*

(\*Footnote. Western Australian Almanac 1849 Perth pages 41 and 46 to 47.)

(\*\*Footnote. Moran, Cardinal. History of the Catholic Church in Australasia Sydney volume 2 pages 555 et seq; Birt, H.N. Benedictine Pioneers in Australia London 1911 volume 2 pages 468 et seq.)

There remains one phase of the history of this period which has to be dealt with--the agitation for the introduction of convict labour. It will be remembered that at the establishment of the colony one of the conditions of its foundation was that it was not to suffer from the taint of the convict system. This was no doubt an important factor

in inducing many of the early settlers to make the Swan River Colony their home, and to their credit it must be said that they struggled with their difficulties and privations long years after they might have been forgiven for abandoning their principles in favour of the relief that the introduction of forced labour would undoubtedly have afforded. From time to time suggestions of the benefits to be derived from the presence of convicts were thrown out and sternly repulsed. It was only when, by the cessation of immigration,\* the supply of adequate labour came practically to an end, that transportation was considered as a way out of their difficulties. Without labour--free or forced--development was almost impossible. The colonists had proved that in the preceding years. Development was the keynote of prosperity, and increased population necessary to provide a market for their agricultural produce. With all its drawbacks, transportation had provided the means for that development and that market for produce in the Eastern States of Australia, and therefore, when all other means were exhausted, the colonists of Western Australia were compelled to take the question into consideration. That they did not do so at all readily there is ample evidence. The daring spirits who, at King George's Sound in the early thirties, memorialised the Home Government to send out convicts were regarded by the rest of the community almost as pariahs. The same strong feeling of aversion toward the very idea remained until the acuteness of depression in 1843 and 1844 forced the colonists to reconsider their position.

(\*Footnote. In 1845 departures by sea exceeded arrivals by 129. See Statistical Summary Appendix 4.)

At a general meeting of the York Agricultural Society held in April 1844,\* a motion was brought forward stating:

"That it is the opinion of this meeting that, inasmuch as the present land regulations have entirely destroyed our labour fund, we conceive that the Home Government are bound in justice to supply us with some kind of labour, and after mature deliberations we have come to the determination of petitioning the Secretary of State for the Colonies for a gang of forty convicts to be exclusively employed in public works."

(\*Footnote. Inquirer 17 April 1844.)

The motion was not put. In its place a resolution was passed appointing a committee to inquire into the matter. This committee a few days later interviewed Governor Hutt upon the question, but received no encouragement. He informed them that he had already addressed the Secretary of State upon the subject of labour, and as the point was occupying the attention of the Home Government he had no doubt that some scheme would be evolved in which Western Australia would participate.\* In spite of this rebuff a petition was prepared for signature, but it lapsed from want of support. The York agriculturalists, however, achieved something. They had directed the attention of the settlers toward the importation of convicts as a way out of their difficulties, and from that time, though strenuous opposition continued to be manifested, the advocates of convict labour steadily gained ground. The newspapers, reflecting in this case general public opinion, argued against convicts\*\* on the grounds of expense and undesirability, and showed that the experiences of the other colonies ought to banish any suggestion in favour of the idea from the minds of Western Australian colonists.

(\*Footnote. Inquirer 24 April 1844.)

(\*\*Footnote. Perth Gazette 19 and 26 July 1845; Inquirer 16 and 23 July 1845.)

Opposition to the introduction of convicts was further strengthened by a notice that appeared in the Hobart Town Gazette in January 1845,\* stating that Her Majesty had been pleased to extend pardons to convicts in Van Diemen's Land, conditional upon the recipients remaining in one or other of the Australian colonies. The fear that some of these people might fix upon Western Australia as their homes resulted in a public meeting being held at Perth in April,\*\* when it was decided to forward a memorial to the Secretary of State asking that none of these pardoned convicts be allowed to come to the colony. When the colony was founded, the memorial declared, "a solemn and distinct pledge was given by Her Majesty's Government that it should not be made a recipient for convicts; a pledge which (should this colony be left open to the semi-pardoned convicts of Van Diemen's Land) would be entirely forfeited, while the colonists themselves would be reduced to a much worse position than those in settlements avowedly penal, where at least some protection is afforded to the well-disposed by the restraints put upon the convicts by the laws, by the presence of a large military force, and by the active exertions of a numerous police."\*\*\* Why the colonists feared that convicts would be attracted to a country which had failed to attract free labour was not explained. The memorial was forwarded in due course\*\*\*\* and rejected, the Home Government asserting that if certain convicts had since conviction led blameless lives, there was no just reason for refusing to allow them to seek the means of maintaining themselves in other colonies besides Van Diemen's Land.

(\*Footnote. Hobart Town Gazette 1845 page 16.)

(\*\*Footnote. Inquirer 23 April 1845; Perth Gazette 19 April 1845. The various memorials and resolutions from Western Australia regarding convicts will be found in House of Commons Papers Number 262 pages 34 to 45 1851.)

(\*\*\*Footnote. Hutt to Lord Stanley 28 April 1845.)

(\*\*\*\*Footnote. W.E. Gladstone to Clarke 1 January 1846.)

Meanwhile, the advocates for convicts were endeavouring to gain public support. Two memorials, both abortive, had been submitted to the people, and a third was in course of circulation for signatures. In July a long letter on the subject was published in the Inquirer,\* observing that owing to the absence of labour sixteen years of endeavour had brought but little prosperity to the colony, and that there was little hope of any great improvement under present conditions. The question of introducing convicts, it was argued, was not a matter of principle but of policy, and the supporters of the system favoured it, not through any admiration, but simply as a matter of expediency. There is no doubt that public opinion, slowly but surely, was beginning to move along these lines, and the official mind was seriously perturbed. On 24 July the matter was raised in the Legislative Council, and by a unanimous vote it was declared "that the necessity for such an application (i.e. for the introduction of convicts) is not apparent. No dearth of labour can be so extreme as to call for, or to warrant our having recourse to, such a hazardous experiment for a supply."\*\* The moral aspects of the question were also strongly commented upon, and altogether it is



evident that at that date there was no intention whatever on the part of the local Government to advocate such a step.

(\*Footnote. 23 July 1845.)

(\*\*Footnote. Proceedings of the Legislative Council 23 July 1845 Perth Gazette 26 July; Inquirer 30 July 1845.)

Beyond occasional references no further attention was given to the matter publicly during 1845 or 1846, but in January of the latter year W.S. Stockley, Western Australian manager for Frederick Mangles & Co., forwarded to the Secretary of State, through the Governor, a long petition urging the introduction of convict labour into Western Australia.\* The memorial, however, which had been prepared was slowly making its way among the colonists and attracting the signatures of many who as a matter of principle were scarcely in favour of it, but as a matter of expediency saw no better way out of their difficulties. The terms of the memorial,\*\* drawn up in the names of the "landowners, merchants, and inhabitants of Western Australia," set forth that capitalists were originally attracted to the colony on certain conditions which seemed to be advantageous; that through "mismanagement, inexperience, and ignorance of the seasons great numbers of the early settlers lost or expended the greater part of their capital" before they derived any result from it, but that after struggling for many years with almost incredible difficulties they began to hope for a general rise in values owing to a steadily-increasing stream of immigrants. This hope, however, vanished when in 1841 Her Majesty's Government saw fit to raise the minimum price of Crown lands to 1 pound per acre, thus causing a stoppage of sales and a consequent diminution in the fund derived therefrom, which had been used for the purpose of encouraging the introduction of labour. Immigration consequently ceased, and labour became unprocurable. A depression occurred, bringing with it the emigration of many to the other Australian colonies. Land and other property lost its marketable value, and there was no probability, under existing circumstances, of labour or capital being attracted in the future. In view of this condition of affairs (which was, it may be remarked, considerably exaggerated) the memorialists asked that "the importance of this colony to the British Empire" should be considered, as from its geographical position and great natural resources it ought to become a powerful and prosperous settlement. "Unless," said the petition, "Her Majesty's Government will reduce the price of land to its original standard and resume the principle upon which this colony was founded, and act upon that principle judiciously, and not lavishly as was formerly the case, or will devise some other expedient that shall cause the reintroduction of capital and labour, your memorialists conceive that this colony must become absolutely useless to the British Crown, an encumbrance upon the Empire, and ruinous to those individuals who have been led to embark in it the whole of their fortunes." If it was not possible to accede to any of these suggestions then the hope was expressed that the Home authorities would "convert the colony into a penal settlement on an extensive scale." As a reason for convicts it was pointed out that good roads through the settled districts were necessary but expensive, only perhaps "to be accomplished by convict labour"; that bridges, wharves, lighthouses, and other public works could be constructed only by such means; and that the increased population under the scheme would provide the market so necessary for agricultural products.

(\*Footnote. Enclosed in Hutt to Lord Stanley 26 January 1846.)

(\*\*Footnote. Perth Gazette 2 January 1847. The memorial was forwarded by Governor Clarke to Lord Stanley in a dispatch dated 2 January 1847. The Governor expressed the opinion that the great majority of the colonists were opposed to the request.)

By the beginning of 1847 the progress of this memorial had changed the idea of transportation from a merely abstract theory to a very practical means of relief. The benefits to be derived from forced labour seemed to be many; that it would relieve the existing depression and bring a return to prosperity was in the opinion of many of the settlers a certainty. It is to be feared that these facts were felt to be more important than that lowering of the moral tone of the community which would necessarily result from the establishment of a penal settlement. Even the newspapers, which up to that time had urged the moral disadvantages, changed their tone and advocated the benefits that would accrue from cheap labour and a progressive public works policy, though they salved their consciences by suggesting that the convicts should be confined in hulks, not allowed to mix with the free people, and returned to England when their services were no longer required.\* The change of opinion may have been due in part to the growing belief that the Home Government would accede to the prayer of the memorial not so much out of consideration for the colony, as because, other penal settlements being closed, Great Britain required some fresh outlet for her convicts.

(\*Footnote. Perth Gazette 17 April 1847; Inquirer 28 April 1847.)

Notwithstanding this change of front on the part of the colonists, the Acting Governor remained steadfast in his condemnation of the idea. At the opening of the Legislative Council in June 1847,\* he vehemently opposed the agitation, and regretted that "the dearth of labour or the desire to accumulate wealth on the part of a portion of the community" had caused the suggestion to be entertained. In support of his attitude he referred to a report of a committee of the Legislative Council of New South Wales, dated 1846, which unequivocally asserted that a discontinuance of transportation would be in the interests of Australia and the Australians. He concluded by saying: "With the experience of other colonies before us, which we now witness struggling to free themselves from this system as from a pestilence, I would strongly urge all who are favourable to the measure to consider whether the injury likely to be entailed on the community, and particularly on their own families, may not convince them, when too late, that they have obtained their object at a dreadful sacrifice."

(\*Footnote. Proceedings of the Legislative Council 3 June 1847 Perth Gazette 5 June 1847.)

After this the question appears to have again languished until the latter half of 1848. Governor Fitzgerald, in pursuance of suggestions made to him by the Secretary of State before leaving England, made inquiries as to whether the colonists would be prepared to receive convicts from Pentonville--a prison for persons convicted of trivial offences--who should be accompanied by their wives and families. The cost of sending them out might be recovered from their wages and used as a fund to introduce free labourers. The convicts would, of course, be pardoned on their arrival and so enter the colony as free men. The Secretary of State also put the idea before several persons in London who were interested in Western Australia. These were

agreed as to the advisability, and one of them, Louis Samson, wrote to the colony asking for an expression of opinion.\* The replies to Governor Fitzgerald's inquiries were not particularly encouraging, but he felt himself justified in asking for 100 ticket-of-leave men,\*\* whom he thought would be of more value and bring less risk to the community than the lads from the Parkhurst Reformatory, of whom 131 had been sent out between 1843 and 1848. These inquiries of the Governor and Samson's letter appear to have given fresh impetus to the convict agitation. In December several gentlemen interested in the colony held a meeting in Adelaide\*\*\* and agreed to petition the Home authorities for the introduction of convicts to Western Australia as the only means of overcoming the difficulties that existed. This was followed by a public meeting--the first definitely called for the purpose--which was held in Perth on 23 February 1849.\*\*\*\* That meeting viewed with alarm the depressed state of the colony, resulting in a "steady and constant emigration of labour," and felt that the only remedy that could be effective must be one that would bring about a fresh supply of capital and labour. It opposed the proposal to introduce ticket-of-leave men from Pentonville as being calculated to make matters worse instead of better, and quite unsuited to the wants of the settlers, mainly because such a step would inflict upon the colony all the evils of a penal settlement, without giving any increased protection or expenditure of Imperial funds. It felt that convicts could be usefully employed in carrying out necessary public works and in developing the mineral, timber, and other natural resources that existed, and finally decided: "That application shall at once be made to Her Majesty's Government to erect this colony into a regular penal settlement, with the necessary Government establishment and expenditure, the whole cost of the transmission, maintenance, and supervision of all such convicts as may be transported hither being borne, of course, by the Home Government."\*\*\*\*\*

(\*Footnote. Perth Gazette 16 December 1848.)

(\*\*Footnote. Fitzgerald to Earl Grey 24 October 1848.)

(\*\*\*Footnote. Inquirer 24 January 1849. This meeting was held at the Bank of Australasia, Adelaide, on 23 December 1848, those present being former residents of Western Australia, and still large landowners, as W.J. Stockley, M. McDermott and others.)

(\*\*\*\*Footnote. Perth Gazette 24 February 1849.)

(\*\*\*\*\*Footnote. Ibid.)

The resolutions were laid before the Governor, with a request that he would forward them to the Secretary of State. In doing so he emphasised the depressed condition of the colony and assured Earl Grey that, did any other source of relief present itself, the settlers of Western Australia would be the last to wish for a penal settlement. In concluding he remarked:

"I am far from recommending Your Lordship to adopt this proposition, as few, I think, would from choice select a convict settlement as a residence for themselves and families; but in the present state of affairs here I must say that if Her Majesty's Government wish to establish another penal settlement in Australia the majority of the inhabitants would gladly learn that Western Australia was chosen as the site."\*

(\*Footnote. Fitzgerald to Earl Grey 3 March 1849.)

In June 1849 a dispatch on the subject of convict discipline was received from Earl Grey.\* The Secretary of State was an earnest advocate of transportation, and had evolved certain schemes which he was anxious to see in operation. In this dispatch he pointed out that the system of making convicts undergo a period of separate imprisonment in England, Bermuda, or Gibraltar before being sent out to the colonies had been found to be beneficial, and that such of these men as had afterwards been transported to Port Phillip as ticket-of-leave "exiles" had proved satisfactory. Certain precautions, such as restricting them to particular districts and enforcing the return of their passage moneys, were to be observed, but otherwise they would be given freedom. "Such," Earl Grey continued, "being the system under which it is proposed hereafter to proceed, I think it right to point out to you that if the inhabitants of Western Australia should be willing to receive men with tickets-of-leave they will obtain the advantage of a supply of labour, together with a probable addition to the funds applicable to general emigration, or some other public object of importance, while by the power which is to be reserved of dispersing those men in different districts, together with the reformatory nature of their previous punishment, there is reason to hope that their presence in moderate numbers will not be found injurious to the general character of the community." He then concludes by pointing out that as the colonists were clamouring for an adequate supply of labour they might be prepared to receive men on the terms proposed. He would be glad to learn whether such would be the case.

(\*Footnote. Earl Grey to Fitzgerald 5 August 1848.)

The Governor's reply to the suggestion to send out Pentonville prisoners,\* which reached England in February 1849, was sufficient to show that this last proposal would meet the wishes of the settlers, and that view was strengthened by the report of the public meeting of February, which reached Earl Grey in July. In order to carry the proposal into effect certain legal formalities had to be complied with, and therefore on 1 May 1849 an Order in Council was passed nominating Western Australia as a place to which convicts could be sent from the United Kingdom. This order was published in the colony in November,\*\* and seems to have somewhat disturbed the inhabitants, who after years of discussion over the matter suddenly found that at one stroke Western Australia had lost its boasted preeminence as a free colony and had become a penal settlement. The opponents of the measure were indignant; in the step they recognised one more iniquity heaped upon them by the Colonial Office. The *Perth Gazette*\*\*\* lamented the prospective "contamination and infamy" inseparable from a penal settlement. The Home Government was blamed for taking advantage of the opportunity by the Governor's innocent request for 100 Pentonville prisoners to saddle the colony with all the horrors of the convict system. However, when the colony recovered from the shock it was recognised that the advantages were many and that the dangers to be apprehended were slight. Convictism of 1850 differed greatly from the modified slavery of New South Wales and Van Diemen's Land of the early years of the century, and though the very fact of its introduction into a free colony is to be regretted, there is little doubt that some innovation of the kind was necessary to the development of the country. Materially the colony benefited considerably by the convicts, and any lowering of the tone of the community brought about by their presence was but temporary.

(\*Footnote. See ante.)

(\*\*Footnote. Western Australian Government Gazette 6 November 1849.)

(\*\*\*Footnote. 9 November 1849.)

The Legislative Council was summoned for 20 December 1849, primarily to consider the altered condition of the colony, and to make the necessary arrangements for the proper control of the convicts. An ordinance was passed providing for arrest without warrant, summary conviction, employment on public works, restriction when on ticket-of-leave, and punishment.\* Early in the following year a further dispatch was received from the Secretary of State,\*\* containing information that the Home Government intended to send out free persons equal in number to the convicts. This, and the prospect of many necessary public works being at last undertaken, led the colonists to admit that at any rate transportation offered "a gleam of hope--just sufficient to drag us on in miserable uncertainty." The actual conditions under which the convicts would be employed were stated by Under Secretary Hawes.\*\*\* They were to be at first entirely under the control of the Government for employment on public works--roads, harbours, buildings, and timber cutting.\*\*\*\* When they were set free from such labour, on account of good behaviour, their services would be available for colonists. The whole expense of the system would be defrayed by the Home Government, and a further sum would be set aside annually for promoting free emigration.

(\*Footnote. Proceedings of the Legislative Council 20 December 1849 Perth Gazette 21 December 1849.)

(\*\*Footnote. Earl Grey to Fitzgerald 12 July 1849 received 5 March 1850.)

(\*\*\*Footnote. Under Secretary Hawes to Manager of Colonisation Assurance Co. 20 December 1849 in Perth Gazette 7 June 1850.)

(\*\*\*\*Footnote. Earl Grey to Fitzgerald 5 January 1850.)

Thus, twenty years after its foundation as a free colony, from which convicts were by the conditions of establishment debarred, Western Australia entered upon a new phase of its existence, and became one of penal settlements of the British Government.\*

(\*Footnote. A short description of the convict system as carried out in Western Australia will be found in Appendix 3.)

## **CHAPTER 8. 1850 TO 1853. TRANSITION PERIOD: FREE COLONY TO PENAL ESTABLISHMENT.**

**GOVERNMENT.  
LAND LAWS.  
FINANCIAL CONDITIONS.  
INDUSTRIES.  
GENERAL DEVELOPMENT.**

The Home authorities lost no time in giving effect to the decision to establish a penal settlement in Western Australia. Captain E.Y.W. Henderson was appointed Comptroller-General of the Convict Establishment with Mr. T.H. Dixon as chief overseer and Mr. J. Manning as clerk of works.\* Prisoners of exemplary conduct were selected from Portland and a ship equipped as a transport. This vessel, the barque Scindian, arrived at Fremantle on 1 June 1850, and thus the colony celebrated its twenty-first birthday by assuming the character of an actual penal settlement. On the Scindian, under the charge of Dr. Gibson, R.N., as Surgeon Superintendent, were seventy-five convicts, fifty pensioners (sent out as a guard) forty-two women, seventy-eight children, and fourteen immigrant girls.\*\* Though the arrival of the convicts was expected, it was not anticipated that they would arrive so soon after the Order in Council had been made public. The colonists were rather thrown into consternation when they saw the first actual evidence of the result of their agitation, and the local Government found itself totally unprepared to meet the situation. The old Fremantle jail at Arthur's Head was much too small to accommodate so large a number of inmates, even if no others had been expected. To get over the difficulty premises were rented from Captain Scott,\*\*\* and there the first drafts of convicts were housed until such time as they had, by their own labour, built the large Fremantle prison for their own safekeeping and the safekeeping of thousands of others who were to follow them. The stringent measures adopted for ensuring the security of the convicts in their temporary quarters and the sense of safety that the inhabitants of Fremantle must have felt at the presence of this crowd of malefactors may be gauged from the fact that in October four of the prisoners quietly walked away from the jail and got drunk! When charged with the offence it was stated in evidence that they were able to leave the depot at any hour they pleased, in any dress they liked, and go wherever fancy led them.\*\*\*\* This little incident caused quite a scare among the inhabitants of Fremantle.

(\*Footnote. Earl Grey to Fitzgerald 24 January 1850.)

(\*\*Footnote. Perth Gazette 7 June 1850.)

(\*\*\*Footnote. Ibid.)

(\*\*\*\*Footnote. Perth Gazette 25 October 1850.)

The pensioners who had come out with the convicts were not retained as a permanent guard over them. In most cases they were accompanied by their families, and sought a livelihood among the settlers, being liable to render assistance only in the case of any outbreak among the prisoners. Every encouragement was given to induce them to become permanent settlers. To each of them was offered an allotment of ten acres, to

be selected by themselves, to be held on lease for seven years, after which they were to receive the freehold. To enable them to make a start a gratuity of 10 pounds was bestowed upon each one, and they were promised the assistance of convict labour in clearing the ground.\* Practically the whole of them took advantage of the offer, as many pensioner blocks still held by their descendants testify.

(\*Footnote. Ibid 5 July 1850; Earl Grey to Fitzgerald 2 March 1850.)

The actual establishment of the system and the arrival of the first batch of convicts was the cause of much rejoicing on the part of the colonists. On 10 July a public meeting was held at Perth\* at which resolutions were passed expressing thanks to Lord Grey for the promptness he had shown in acceding to the request of the settlers, and asking that convicts be sent in large numbers, as "unless the permanency as well as the magnitude, of the convict establishment be secured" only disappointment and distress could await the greater part of the new arrivals. Later in the year similar expressions of gratitude were forwarded from York, Northam, Toodyay, and Wellington districts. In a numerously-signed memorial from the country centres, embodying these opinions, it was stated that the memorialists "consider the introduction of convicts on a large scale the only means of placing the colony in a prosperous condition."\*\* When all the other colonies were strenuously objecting to convicts, how the Home Government must have chuckled to find one not only willing but anxious to receive them, and, like Oliver Twist, keep on asking for more. Even the Perth Gazette, after two years' enmity to the idea, acknowledged that much material prosperity was likely to result, though at the same time it quieted its conscience by averring that the mere introduction of forced labour did not constitute Western Australia a penal settlement.\*\*\*

(\*Footnote. Ibid 12 July 1850.)

(\*\*Footnote. Perth Gazette 5 July 1850; House of Commons Papers 1851 Number 262 page 43.)

(\*\*\*Footnote. Ibid 7 June 1850.)

One of the earliest and, from the point of view of the settlers, one of the most satisfactory features of the new condition of affairs was a renewal of the stream of immigration. For years previously there had practically been no gain to the colony by this means. When therefore the Scindian landed 188 free persons in addition to 75 convicts, and the Sophia followed a couple of months later with over 200, the inhabitants of the colony were convinced that the step they had taken was in their best interests.\* Only one other vessel, the Hashemy, arrived with convicts during 1850. This was the ship which earned a good deal of notoriety on account of the fact that she carried the last draft of convicts sent to New South Wales--the draft whose landing was at first strongly opposed by the colonists there.

(\*Footnote. Ibid 2 August 1850.)

By the end of the year the benefits--and in some ways the evil results--of a penal establishment began to be distinctly manifest. In addition to the large permanent prison, there were various other public works under construction; depots for convicts were being established in various centres; and parties for the purpose of making roads of communication between the towns were being organised. The increase in the

number of people and the large amount of money distributed by the penal department provided both the market for local produce and the means to pay for it, so that by the beginning of 1851 the whole colony seemed to have been aroused from its state of lethargy and gave every promise of rapid advancement. The cost of maintaining the convicts was, of course, borne by the Home Government; any large expenditure in that direction was therefore viewed by the settlers with a certain degree of satisfaction. Not so, however, by the Imperial authorities. Nearly every dispatch urged strict economy on the Comptroller-General, and in April 1851,\* the financial affairs of the establishment were placed in the hands of a board consisting of the Colonial Secretary, the Comptroller-General, and the Assistant Commissary-General, with strict injunctions to prevent anything in the way of extravagance.\*\* One of the first questions this board had to consider was the proportion of the salaries of magistrates, police, and other officers necessary for the public protection that should be borne by the British Government. The advent of the convicts had necessarily increased the number of these officers, and it was felt that the whole burden of their cost ought not to fall on the local Government. It was ultimately arranged that the Home Government should pay two-thirds of the police expenditure, and make certain grants to the magistrates and other officials.\*\*\* While on the question of protection it may also be noted that at first there was no provision for a permanent military guard over the convicts. The pensioners who acted in that capacity on the voyage out became settlers or servants on arrival, and had no further liability except that they were expected to hold themselves available in case of any outbreak of a serious nature. This extremely unsatisfactory condition of affairs was the subject of earnest representation through the Governor, and resulted in the pensioners arriving on one convict transport being engaged to continue in the capacity of guard until the arrival of a further detachment in the next succeeding convict vessel.\*\*\*\* These pensioner guards were under the command of Captain (afterwards Colonel) Bruce. At the end of 1851 the guard was further strengthened by the arrival of a company of sixty-five sappers and miners under the command of two officers of the Royal Engineers.\*\*\*\*\*

(\*Footnote. Western Australian Government Gazette 8 April 1851.)

(\*\*Footnote. Earl Grey to Fitzgerald 12 January 1851.)

(\*\*\*Footnote. Duke of Newcastle to Fitzgerald 12 December 1853; Proceedings of the Legislative Council 4 May 1854 Perth Gazette 5 May 1854.)

(\*\*\*\*Footnote. Earl Grey to Fitzgerald 20 December 1850.)

(\*\*\*\*\*Footnote. Perth Gazette 19 December 1851.)

The necessity for strict control had become manifest early in the year, when four men succeeded in getting away from Fremantle in a whaleboat\* and another party escaped from a road gang working north of Perth.\*\* The first were captured at Shark Bay, and the second practically gave themselves up, convinced that Western Australia did not need artificial barriers to make it a safe place to keep prisoners. On the whole, however, the conduct of these early convicts was good, so much so that the newspapers directed attention to them as "instances from which our free settlers might take example." As a result all the remaining fear and opposition on the part of the colonists vanished.

(\*Footnote. Inquirer 22 January 1851.)



(\*\*Footnote. Perth Gazette 7 February 1851.)

During 1851 the Mermaid, Pyrenees, and Minden brought 803 convicts and 268 free persons, including children, to the colony. Not many of these free immigrants were skilled labourers, consequently the old cry of want of labour was again raised and complaints made that the English Government was not fulfilling its promises.\* There does not seem to have been any great need for these workmen at the time, and the only reason for the agitation that appears to have existed was that the desire to agitate and complain about something had grown into a habit with the colonists. In any case the blame, if there were any, did not attach to the officials of the Colonial Office, as the Governor had advised them that there was difficulty in placing those immigrants who had arrived in the Sophia.\*\* When Earl Grey was informed\*\*\* that mechanics were required, he lost no time in sending them out.

(\*Footnote. Ibid 28 March 1851.)

(\*\*Footnote. Fitzgerald to Earl Grey 29 July 1850.)

(\*\*\*Footnote. Ibid 25 September 1850.)

One might have expected that the introduction of a large population, which would in all probability continue to grow, would have stimulated the settlers to larger production of foodstuffs. This does not seem to have been the case. The Western Australian farmers seem to have preferred to get a high price for a limited output rather than a reasonable price for a greater quantity. They were very incensed when the Governor intimated his intention to import flour from the eastern colonies, and held that local industry should be encouraged, even though it cost 5 pounds a ton more for flour to do it. The Governor referred the matter to Earl Grey, who replied sharply that "convicts were not sent to Western Australia in order that growers might have an opportunity of selling their produce at a price of 5 pounds a ton dearer than it could be procured without their aid."\* During the years 1851 and 1852 it proved impossible to secure sufficient wheat and flour locally at any price, consequently importations from the eastern colonies were absolutely necessary, and in the latter year wheat had even to be imported from Great Britain.

(\*Footnote. Earl Grey to Fitzgerald 30 June 1851.)

By the beginning of 1851 many of the convicts of 1850 had become entitled to tickets-of-leave, and others were continually qualifying, so that the number available for Government works was not as large as the settlers could have wished. With them, however, the Comptroller-General entered upon the construction of various public works. Depots were prepared at York, Toodyay, and Bunbury for the use of those prisoners waiting to be hired out as servants, and as quarters for those still in confinement who were working in the neighbourhoods. Main lines of roads from each place toward the capital were deemed the most urgent works. The largest body of convicts, of course, remained at Fremantle, both because the establishment called for the erection of many public buildings and because better control could be kept over the worst class of offenders. The principal work on which they were engaged was the erection of the prison itself. Some discussion took place over the site of this structure. It is said that Captain Henderson inclined to the idea that Mount Eliza would be the most suitable site, but that Western Australia was saved from what would have been an act of desecration by the opposition of the Governor,\* who finally convinced the

Comptroller-General that Fremantle was the proper place for it. On 16 May 1851 the site was vested in trustees\*\* and the work of erecting the prison commenced. A good deal of the work was done by the convicts, but skilled mechanics had to be procured from South Australia to assist. These public buildings and the making of various roads occupied the attention of those convicts who remained at the disposal of the Government up to the end of 1852. During the year 491 men were sent out, making a total since June 1850 of 1469, but of that number only 156 were available for employment in Perth and Fremantle; 845 had already been released on ticket and were in private service, and the remainder were road-making. In pursuance of the agreement on the part of the Imperial authorities to dispatch free immigrants to those colonies receiving forced labour 381 persons of this class also arrived in Western Australia during 1852, so that the colonial complaint of the dearth of sufficient labour was more than met. In addition, the English Government\*\*\* agreed to send out, on payment of half the cost of passage, the wives and families of those ticket-of-leave men who desired to have them. There was no great anxiety on the part of the men to take advantage of the concession, and in the case of those who did ask, refusal generally came from the wife. In 1851/2 the Colonial Office offered to send out the wives and families of 60 men who had asked for them, but there was little or no response. Some could not be found, others refused to pay any part of the passage money, and a third section declined to go under any conditions.\*\*\*\*

(\*Footnote. Kimberley, W.B. History of Western Australia page 158. In view of the following statement in the Comptroller-General's report of 1 January 1851 this may be doubted: "The propriety of the determination arrived at in the first instance to fix the permanent depot at Fremantle I see no reason to question." Colonial Secretary Office Records 1851.)

(\*\*Footnote. Ordinance 14 Victoria Number 22.)

(\*\*\*Footnote. Earl Grey to Fitzgerald 1 January 1851. The cost of passage was fixed at 15 pounds.)

(\*\*\*\*Footnote. Sir John Pakington to Fitzgerald 22 June 1852.)

The general condition of affairs as far as the convicts were concerned showed little alteration in 1853, except that increased activity on the part of the English prison authorities resulted in 1129 men being sent out, of whom 301--sent out in the Robert Small--were Irish prisoners,\* a class specially objected to in the first agreement. The introduction of this large number made it possible to carry on the policy of extension and development more rapidly. Various buildings such as hospitals, lunatic asylum, pensioners' depot, and others were constructed, and fair progress made with the bridges required on the main trunk road between Perth and Albany. All these things meant increased comfort and facilities for the settlers, as well as a greatly improved financial outlook on account of the large expenditure of money, so that when in 1853 news was received that the English Government was considering the whole question of transportation,\*\* with a view to drastic alterations, the settlers were considerably perturbed, jumping at once to the conclusion that any alteration would mean discontinuance. Recourse was had to the usual method of protest--public meeting with a subsequent memorial---and the inhabitants of Perth, Fremantle, and York\*\*\* strongly opposed the cessation of transportation, urging from the standpoint of the colony that great advance had been made under the system, and from the standpoint of the convicts that in the majority of cases they had been successful in their endeavours to become once more respected members of society. Some relief was felt

when shortly afterwards information was received that the Home authorities intended, for a short period and to a limited extent, to continue transportation to Western Australia.\*\*\*\*

(\*Footnote. Duke of Newcastle to Fitzgerald 16 April 1853; Perth Gazette 26 August 1853.)

(\*\*Footnote. Inquirer 16 May 1853; Perth Gazette 20 May 1853, containing extracts from speech in House of Commons by Lord John Russell, stating intentions of the Government. See Hansard third series volume 124 pages 19 to 20.)

(\*\*\*Footnote. Perth Gazette 3, 10 and 17 June 1853. Text of memorial in issue of 3 June. The memorial was forwarded by the Governor to Secretary of State in dispatch 8 June 1853. See also Fitzgerald to Duke of Newcastle 11 August 1853.)

(\*\*\*\*Footnote. Hansard third series volume 124 page 167 speech in House of Lords by Duke of Newcastle, Secretary of State 17 February 1853. Reprinted in Perth Gazette 27 May 1853.)

The reply\* to the memorial was received early in January 1854, and stated that it was impossible to fetter the future discretion of Her Majesty's Government and of Parliament, but subject to that reservation no idea was entertained at that time of ceasing to send convicts to Western Australia. The statement in the memorial that the men generally had rehabilitated themselves was not strictly accurate. From time to time there were outbreaks that called for stern repressive measures, and many were the instances of added imprisonment and corporal punishment. Cases were not infrequent where convicts by careful behaviour had secured conditional pardons, only to relapse, in the absence of restraint, into their old habits of vice and debauchery. The Phoebe Dunbar, which arrived in August, seems to have brought a particularly dangerous and violent horde. The ship had scarcely anchored when several of them managed to get rid of their shackles and indulged in a drunken orgy that required the application of the bayonet before it was quelled.\*\* In November four convicts managed to escape from a bathing party and made their way to the Canning district, where they committed various robberies and were captured only after an exchange of shots. This was one of the cases where the heavy hand of the system was quickly felt; three of the men received five years' imprisonment, three weeks on bread and water, and 100 lashes each; the fourth, on account of the ease of his capture, being let off the imprisonment.\*\*\*

(\*Footnote. Duke of Newcastle to Fitzgerald 16 September 1853.)

(\*\*Footnote. Perth Gazette 23 September 1853.)

(\*\*\*Footnote. Ibid 2 and 9 December 1853.)

Had it not been for the establishment of the convict system, combined with the law that no person could leave the colony without giving notice to the Colonial Secretary, Western Australia would in all probability have fared badly at this time. The new gold discoveries in Victoria were made known in 1851, and emigration to that colony from every other part of Australia at once set in. Western Australia was fortunate in not losing more than 400 of her population before the end of 1853, many of whom were immigrants who caught the gold fever almost as soon as they landed, and proceeded

immediately to the new Eldorado. The loss of even that small number from a territory so large in extent and yet possessing a mere handful of people in all was a matter of no little concern. The settlers became seriously alarmed, and Governor Fitzgerald did not hesitate to enforce strictly every possible regulation that could hinder or prevent the exodus. The newspapers viewed it with almost as great concern as those of the eastern colonies did the emigration to Western Australia during the nineties.\* As one method of stemming the tide, prospecting parties examined the eastern districts of the colony in the hope of discovering a local field. Unfortunately they did not proceed far enough, and the mineral treasures of this State remained hidden for a further forty years.

(\*Footnote. Ibid 16 December 1853 13 January and 10 February 1854.)

The years 1849 to 1853 may well be described as a transition period for all Australia. Transportation began in Western Australia and ceased in all other parts with the exception of Van Diemen's Land; Port Phillip district was no longer a part of New South Wales, being erected into a separate colony under the name of Victoria; Victoria by the discovery of her goldfields far outdistanced the other colonies in material progress; and, lastly, in 1850 the long-promised Act for the Government of the Australian colonies generally was passed by the British Parliament. This Act,\* the Western Australian provisions of which were not availed of for many years afterwards, gave power to the colony under certain conditions to establish a Legislative Council that should be one-third nominee and two-thirds elected. The total number of members of such Council was to be fixed locally, and all questions of franchise and arrangements of electorates were also left in the hands of the colonists. The conditions precedent required by the Home Government were that the concession should be asked for by not less than one third of the householders in the colony, and that the colonists should be prepared to defray all expenses of Government out of the colonial revenue, including those borne by Parliamentary grants under the old system. It was this latter condition which prevented the settlers from taking advantage of the concession; though they ardently desired representative government they felt that they were not in a position to bear the whole cost of it, and it was not until 1870 that the first Legislative Council under representative Government was established.

(\*Footnote. 13 and 14 Victoria c.59.)

Several changes occurred in the existing Legislative Council during the years under review. Dr. Madden, the Colonial Secretary, resigned his position in 1848 on the ground of ill-health, and left the colony in 1849. His departure was regretted by the people generally, but not apparently by the officials. From 1848 till 1851, when Major H.A. Sanford became Colonial Secretary, the office and with it the Legislative Council seat were held in turn by R.H. Bland, T.N. Yule, and C.A.J. Piesse. In 1852 G.F. Moore, who had been Advocate-General since 1830, resigned and returned to England, his place being temporarily filled by B.W. Vigors until the arrival in 1854 of the new Advocate-General, R. Birnie. In 1852 Captain Henderson, the Comptroller-General of Convicts, became an official and W.P. Clifton an unofficial member of the Council, and about the same time Colonel Irwin as Commandant gave place to Captain G.M. Reeves.

These alterations, however, which practically affected the whole personnel of the Council, do not seem to have inspired any general public confidence. For years almost every act of the Council had met with disapproval,\* and changes in the membership were continually advocated; but when those changes were made they do not appear to have brought about any modification of the public attitude. It is quite evident that the object aimed at in this dissatisfaction was a representative Council where the British Government should find the money and the local authorities spend it without restraint.

(\*Footnote. The newspaper files of the period repeatedly voiced disapproval of the actions of the Council as a whole as well as of members individually.)

The compilation of a set of land regulations which should provide, in a manner satisfactory to all parties, for tillage and pastoral leases, continued to tax the powers of the Colonial Office as well as of the local Government. It will be remembered that in 1849 a committee of the Legislative Council made certain suggestions which received the unanimous disapproval of the settlers, who suggested others in their place. Out of the chaos thus brought about, Earl Grey endeavoured to get something like order. On 22 March 1850 an Order in Council\* was passed dealing with both tillage and pastoral leases over the waste Crown lands of Western Australia.\*\* The committee's division of the lands into two classes was adhered to with certain modifications. Tillage leases over land in both classes could be granted for any term not exceeding eight years, the annual rental to be 2 shillings per acre with a minimum of 10 pounds, and the acreage leased not to exceed 320 acres. Pastoral leases could be granted for only one year at a time over land in class A, but up to eight years in class B, the annual rental to be 5 pounds with an addition of 10 shillings per 1000 acres, the maximum number of acres allowed being 20,000. In the case of pastoral leases over B land the Governor could put all or any portion of the land up for sale at the end of any year, the lessee to have the option of purchase. If he declined, the value of improvements were added to the value of the land and in case of a sale paid over to the lessee. The Government also retained the right to rise from any portion for public purposes and to grant mineral leases over the property.

(\*Footnote. Western Australian Government Gazette 17 December 1850.)

(\*\*Footnote. Forwarded in Earl Grey to Fitzgerald 23 May 1850; Western Australian Government Gazette 5 November 1850.)

The regulations suggested by the Legislative Council committee in June 1849 and the amendments proposed by the public meeting in the following July both named one shilling per acre as the rental for tillage leases. When it was found that the Order in Council made the rental two shillings per acre there was considerable dissatisfaction. The amount was considered prohibitive and not conducive to that extension of agricultural industries so necessary to the success of the colony.\* The Governor, however, was bound by the instructions he had received, and new regulations dealing with waste lands were issued on 1 November 1851.\*\* These included the provisions of the Order in Council together with the necessary machinery clauses.

(\*Footnote. Perth Gazette 12 September 1851; Report of Committee of York Agricultural Society in Perth Gazette 31 October 1851.)

(\*\*Footnote. Ibid 7 November 1851 copy of regulations.)

While on the subject of land, it may be noted that in 1850 the price for blocks in St. George's and Adelaide terraces was fixed at 22 pounds, for hay Street blocks 17 pounds, and for other blocks in the town 12 pounds.\*

(\*Footnote. Western Australian Government Gazette 18 June 1850.)

Early in 1850 another organisation, the Colonisation Assurance Company, was formed for the purpose of assisting emigration to the British colonies, particularly Western Australia, the prime movers being John Hutt, a former Governor of Western Australia, and R.W. Nash, who had for many years been a resident of the colony. This Company, which was incorporated by special Act of Parliament (13 Victoria c.21) was empowered to hold colonial lands to any extent, and to receive land script to the amount of 20 pounds for the purchase of colonial lands in return for every emigrant above the age of fourteen years sent to the colony. The system upon which the Company worked applied the principle of life assurance to the purposes of colonisation. To every person seeking to establish himself in the British colonies the Company offered in return for an annual premium the immediate possession of 100 acres of land with reversion in fee simple to himself or to his heirs according as the policy was for a term of years or for life. It was also prepared to deal with purchasers for cash, offering them for every 50 pounds three free passages for labourers and 50 acres of land.\* Under this scheme over 100 emigrants were sent to Western Australia. When, however, the Home authorities declined to place in their hands the whole question of free emigration to Western Australia and refused to give them control of the funds voted by Parliament for that purpose, the Company declared that the object of its formation was entirely defeated,\*\* and little more was heard of it.

(\*Footnote. Earl Grey to Fitzgerald 1 and 2 March and 1 October 1851.)

(\*\*Footnote. Ibid 1 October 1851. Enclosed with this dispatch are the prospectus and other documents relating to the Company.)

With the advent of the convict system the financial condition of the colony necessarily improved. The total revenue, which (including the Parliamentary grant) was 19,137 pounds in 1850, had grown to 37,353 in 1853, and the expenditure in the latter year was 38,052 pounds as against 16,656 pounds in 1850. Imports, which in 1850 were valued at 52,351 pounds, had grown to 126,735 pounds three years later, principally owing to the requirements of the system. Unfortunately there was no corresponding growth in exports. Valued at 22,134 pounds in the earlier year, they reached only 31,645 pounds in the latter one. This was probably due to the fact that a larger proportion of local products was required for home consumption; it may also be partly accounted for by the fall which took place about that time in the only commodities that Western Australia was able to send abroad. The only export that appears to have held its own was wool, which was responsible for nearly 20,000 pounds in the export value of 1853.\*

(\*Footnote. Statistical Summary Appendix 4.)

There does not seem to have been that development of agriculture which might have been expected from the improved conditions, the increased amount of money in circulation, and the greater abundance of cheap labour. The acreage under cultivation increased during the three years from 7419 to only 10,299.\* The reason, no doubt,

partly lay in the fear that additional production would reduce prices, particularly as the ruling rates in the colony were much higher than the outside market rates. The comparatively easy task of rearing sheep for wool and mutton and the large profits to be derived therefrom had also some effect in restricting cultivation; but perhaps the chief cause may be found in the statement that the unwonted prosperity of the settlers had induced a feeling of lethargy, and they were disinclined to labour when labour in all probability would not bring increased financial result.

(\*Footnote. Ibid.)

New avenues of industry were found in the guano deposits of the Abrolhos, in wine-making, in rearing horses for the Indian market, and in pearl-fishing; but none of them showed at that time any appreciable effect on the value of the exports. At first a royalty of 2 pounds per ton was charged on guano exported,\* but though this was afterwards reduced to 1 pound by direction of the Colonial Office,\*\* very little accrued from it. Most of the guano taken away was stolen--a state of things that the authorities had no power to prevent. The existence of pearl oysters along the north-west coast had been known since 1699, but no attempt was made to develop a trade until Lieutenant Helpman returned from Shark Bay with some pearls in 1851. Then an application for the exclusive right to dredge for pearl-shell was made by a local firm and granted by the Governor on condition that a royalty of one-eighth of the value of shell recovered was paid to the Government.\*\*\* Unfortunately this arrangement conflicted with a concession granted to a London firm by the Secretary of State.\*\*\*\* Some friction ensued, but it was ultimately laid down that the pearl-fisheries should be open to the public,\*\*\*\*\* and that no duty or royalty should be imposed except by ordinance, which the Secretary of State was not at that time prepared to advise.

(\*Footnote. Fitzgerald to Earl Grey 17 February 1851.)

(\*\*Footnote. Earl Grey to Fitzgerald 1 November 1851.)

(\*\*\*Footnote. Fitzgerald to Earl Grey 11 July 1851.)

(\*\*\*\*Footnote. Earl Grey to Fitzgerald 23 May 1851.)

(\*\*\*\*\*Footnote. Ibid 11 November 1851 and 26 January 1852.)

The greatest industrial development during these years was the settlement of Geraldton and the Champion Bay district owing to the discovery, by Surveyor A.C. Gregory in 1848, of lead and copper ore. As a result of this find the Geraldine Mine had been established in 1849, and it so far succeeded that pig-lead to the value of 1200 pounds, as well as a small quantity of copper, was exported in 1853.\* The chief benefit to the colony from the establishment of the mine was, however, not so much the quantity of lead secured as the fact that it drew attention to the valuable nature of the surrounding country from an agricultural and pastoral standpoint.

(\*Footnote. Statistical Summary Appendix 4.)

The district being new and the natives inclined to be fierce, the Government found that in order to work the Geraldine Mine, on which, among others, ticket-of-leave men were employed, it was necessary to establish a military post in the neighbourhood. Lieutenant Eliot with a detachment was sent to Champion Bay for

that purpose, and under his escort the first party set out to open up and work the ore deposits.\* With this party were Messrs. Burges and Drummond, who, recognising the pastoral possibilities of the district, determined to take up leases. These they afterwards changed into freeholds, and thus became the pioneers of a flourishing pastoral settlement. In 1850 their example was followed by S.P. Phillips, who leased 20,000 acres on the Irwin River. In the following year the nucleus of the town of Geraldton--named after the Governor--was surveyed, and the first lots sold.\*\* The expense of opening up this district formed the subject of correspondence between the local Government and the Secretary of State. The policy of the Colonial Office was not favourable to the spread of settlement over a large extent of country, believing that such a course meant an unnecessary increase in the cost of administration and made convict supervision more difficult.\*\*\* Every expense, therefore, connected with exploration or the opening up of new country was charged upon the colonial revenue and not upon the Parliamentary grant.

(\*Footnote. Fitzgerald to Earl Grey 2 February 1850.)

(\*\*Footnote. Western Australian Government Gazette 3 June 1851.)

(\*\*Footnote. Duke of Newcastle to Fitzgerald 7 May 1853.)

In the matter of exploration these years were devoid of interest. In fact, the years 1849 to 1853 formed a period of centralisation rather than extension. Labour was more plentiful than it had ever been since the foundation of the colony, and much of it was at the call of the Government at the cheapest rate possible. Consequently we find public buildings and other necessary conveniences for the settlers springing up in all the settled towns. The money necessary for these, which came from the pockets of the British taxpayer, added by its circulation to the comforts of the colonists and the permanence of the colony. The result was that more attention was paid to its requirements, and we find in 1852 a regular mail service commenced by the R.M.S. Company, which had decided to make Albany a coaling station for its steamers trading between London and Sydney. This, though it took six days to bring the mail from Albany overland to Perth, was an important development, as regular and (for those times) fairly rapid communication with England was a boon greatly valued by the colonists and a step forward in the general progress of the colony.

In social and religious matters the period was generally one of progress. The comforts of civilised life were more apparent, and there was every evidence that the hard pioneering days were over. Social amenities began to be observed and the customs of older lands to find place in the new. The religious progress consisted chiefly in the extension of native missions and arrangements for the spiritual welfare of the convicts. The New Norcia Mission under Father Salvado showed the good results that could be derived from energy and whole-hearted service in the interests of the natives. The only cloud on the religious horizon was an unfortunate dissension that arose among the members of the Roman Catholic Church, and which brought with it great bitterness of feeling. From the very first, grave difficulties, financial and other, appear to have beset that Church in Western Australia. The Bishop, Dr. Brady, impressed with the vast missionary work that required to be done, seems to have forgotten that for monetary assistance he was largely dependent on the few people--and those not of the wealthy class--who composed his communion in the colony. That under such circumstances the Church should become encumbered with debt was



inevitable. After strenuous endeavours to cope with the position, in the course of which he sacrificed his own personal property, Dr. Brady, wearied in body and harassed in mind, determined in 1849 to ask for assistance in the administration. The total debt was then about 10,000 pounds.\* At that time Dr. Serra, one of the priests engaged in pioneering the New Norcia mission, was in Europe. He had left Western Australia in 1847 with the object of raising funds. During his stay in Rome the question arose of appointing a bishop of the then projected new colony of the north of Australia, and he was appointed Bishop of Port Victoria (Port Essington).\*\* No further steps in the direction of establishing that colony having been taken when the request of Dr. Brady for assistance arrived in 1849, Dr. Serra was transferred to Daulia, in partibus infidelium, and made Coadjutor of Perth and Administrator of the temporalities of the See.\*\*\* No arrangement was made to place upon the shoulders of Bishop Serra, who returned to the colony in December of that year, the burden of the debts already in existence, and consequently the difficulties of the position remained, with a good deal of confusion added. In the hope of getting the whole matter straightened out, Dr. Brady left Perth for Rome, where he arrived in May 1850. "During his stay in Rome," says the late Cardinal Moran,\*\*\*\* "he strenuously advocated the interests of the diocese and of the Australian Church, and at his last audience with the Holy Father the Pope used the words, 'You must return to your people.'" The good Bishop set off at once for his distant diocese, forgetful of the rule that missionary bishops when paying the visit ad limina are not allowed, under penalty of censure, to return to their Sees until they receive the sanction of the Congregation of Propaganda. Dr. Brady reached Fremantle at the end of 1851, and almost simultaneously with his return rumours were circulated to the effect that he had, when in Rome, been degraded from office and imprisoned in the St. Angelo. No confirmation of these statements is forthcoming, but on 9 April 1852 an official communication was received by Dr. Serra from the Vatican, stating that Bishop Brady had been suspended, and appointing him (Serra) as Administrator with full powers, spiritual and temporal.\*\*\*\*\*

(\*Footnote. Moran, Cardinal. History of the Catholic Church in Australasia Sydney volume 2 page 562.)

(\*\*Footnote. Ibid.)

(\*\*\*Footnote. Ibid page 563.)

(\*\*\*\*Footnote. Ibid page 564.)

(\*\*\*\*\*Footnote. Text of the decree Motu proprio published in Perth Gazette 16 April 1852.)

On the same date Dr. Brady was informed of his suspension, the ground being the manner of his departure from Rome. These documents proved to be all that was necessary to convert the internal dissension in the Church into a public scandal. Each party had its supporters, who did not hesitate to vilify the other side; charges and counter-charges, both in the courts and in the streets, became distressingly frequent.\* So bad was the position that it called for the intervention of the Metropolitan, Archbishop Polding, of Sydney, who arrived in June,\*\* and in July compelled the suspended Bishop to acknowledge his submission and afterwards proceed to Rome. Later he proceeded to his native diocese of Kilmore, in Ireland, ultimately dying at Amelu les Bains, in France, in 1871. It is worth while recording that though not

permitted to return to Western Australia Dr. Brady did not resign, nor was he deprived of his Bishopric of Perth.\*\*\*

(\*Footnote. Moran, Cardinal. History of the Catholic Church in Australasia volume 2 page 566; Perth Gazette 7 May, 23 July, 13 August 1852.)

(\*\*Footnote. Moran, Cardinal. History of the Catholic Church in Australasia volume 2 page 566.)

(\*\*\*Footnote. Ibid page 564.)

## CHAPTER 9. 1854 TO 1860.

### **CONSTITUTION AND GOVERNMENT. IMPROVEMENT IN LAND REGULATIONS AND CONSEQUENT AGRICULTURAL AND PASTORAL EXPANSION. DEVELOPMENT AND EXTENSION OF THE CONVICT SYSTEM. GROWTH OF THE COLONY DURING THE PERIOD.**

The Legislative Council in 1851,\* when dealing with the estimates for 1852/3, decided to raise the salaries of most of the officials. This decision could not become operative without the approval of the Colonial Office, which was received early in 1852,\*\* the additions to the salaries of the Governor and Colonial Secretary being charged against the Parliamentary grant. The action of the Council, however, appears to have had a further and wholly unintentional effect. Giving evidence as it did of increasing prosperity in the colony, it was seized by Earl Grey as an opportunity for considering the question of reducing the Imperial Parliamentary grant-in-aid. The dispatch went on to point out that the increase of revenue and the stimulus to commercial activity were due to the introduction of convicts and might reasonably be expected to continue; further, the colony was receiving the benefit of the very large expenditure from British funds on behalf of the convict establishment. In view of these facts, Earl Grey informed the Governor, the amount of the Parliamentary grant must be reduced after the year ending 31 March 1853, provision being made for charging the colonial revenue with the difference. This instruction was received by the Legislative Council with feelings almost approaching disgust. It never seems to have struck the members that the Imperial Government would want to reduce the amount of assistance in proportion to the ability of the colony to bear its own expenses.

(\*Footnote. Proceedings of the Legislative Council 14 and 21 May 1851  
Perth Gazette 16 and 23 May 1851.)

(\*\*Footnote. Earl Grey to Fitzgerald 10 December 1851.)

They were also afraid that this reduction meant the approach of the time when the Legislative Council would become elective under the Act of 1850, with the consequent fall of the oligarchy, for there seems very little question that in those early days Western Australia was governed by a favoured few almost entirely in the interests of themselves and their friends. The Governor stated that he had asked for a continuation of the grant till 1854,\* but beyond that he was not prepared to go, as he agreed with the Secretary of State that the time had arrived for reducing the amount of financial assistance. The Council failed to see the matter in that light, and resolved to ask that no reduction be made, on the ground that it was not in accordance with the understanding of an IMPLIED CONTRACT ON THE PART OF THE HOME GOVERNMENT that any portion of the grant should be withdrawn before the revenue of the colony was able to bear the whole expense of government, and pay the already existing debt, without the imposition of new taxes. It was also agreed that the adoption of any course by which a proportion of the annual Parliamentary grant should be defrayed out of colonial revenue would "lessen the security of the maintenance of a sufficient permanent provision for the civil, judicial, and ecclesiastical establishments of the colony when it became entitled to an elective Legislative Council."\*\*\* In reply to these resolutions\*\*\* the Secretary of State refused

to admit the existence of any implied contract as stated. "It would," he considered, "have been entirely beyond the constitutional power of the Executive Government to give any prospective pledge on the subject. Nor is there the smallest ground, either in theory or precedent, for the supposition that Parliament is pledged to grant any fixed amount without abatement until such time as the colony can defray the whole of its expenses without exception."\*\*\*\*

(\*Footnote. Fitzgerald to Earl Grey 27 April 1852.)

(\*\*Footnote. Proceedings of the Legislative Council 19 May 1852 Perth Gazette 21 May 1852.)

(\*\*\*Footnote. Forwarded in Fitzgerald to Earl Grey 13 July 1852.)

(\*\*\*\*Footnote. Sir John Pakington to Fitzgerald 11 December 1852.)

In a further dispatch\* he declined to accede to the Governor's request to delay the institution of the change for a year, but in order not to harass the local Government agreed that for the time charges amounting to only 1973 pounds should be transferred from the parliamentary grant to the colonial funds, the larger amount--nearly 3700 pounds--representing one-half the total Parliamentary grant, being deferred until 1854. When this was brought before the Legislative Council in 1853 it was pointed out that the only remaining expenses paid from Parliamentary grants were those incurred through the introduction of convicts, and should therefore come from convict funds, so as not to preclude the inhabitants of the colony from taking advantage of the provisions of the Act of 1850 with regard to the establishment of an elective Legislative Council. M.W. Clifton, who was responsible for these statements, was the strong advocate at this time for some change in the constitution of the Legislative Council which should have the effect of giving to the people generally a greater voice in the affairs of Government. It was evident from the tenor of the dispatches of the Duke of Newcastle, then Secretary of State for the Colonies, that representative government was not likely to be considered so long as the colony remained a penal settlement. The only course left open, therefore, was to attempt to increase the number of the non-official nominees. Clifton succeeded in having a resolution to that effect passed by the Legislative Council in 1854.\*\* This was forwarded to the Colonial Office shortly afterwards,\*\*\* which replied asking for further information as to the reasons for the suggested increase.\*\*\*\*

(\*Footnote. Ibid 15 December 1852.)

(\*\*Footnote. Proceedings of the Legislative Council 30 May 1854 Perth Gazette 2 June 1854.)

(\*\*\*Footnote. Fitzgerald to Duke of Newcastle 17 and 25 August 1854.)

(\*\*\*\*Footnote. Sir George Grey to Fitzgerald 17 March 1855 and Lord John Russell to Kennedy 13 May 1855.)

In July 1855 Governor Fitzgerald's term of office expired, and he was succeeded by Captain (afterwards Sir) Arthur E. Kennedy. To Captain Fitzgerald must in the main be ascribed the introduction of convicts to Western Australia, though it may be pointed out that in urging that course he was only giving effect to the wishes of the colonists. Privately he had doubts about the wisdom of the action in the beginning, and as the years rolled by he did not hesitate to express the conviction that the colony ought never to have agreed to accept the scourings of English jails for the sake of

possible material prosperity. As an administrator Captain Fitzgerald was conscientious and painstaking, and, on the whole, his term of office may be described as successful, particularly when the difficulties of guiding the colony through so important a period as the inception of a penal establishment are taken into consideration. Like all his predecessors he had to submit to a certain amount of public criticism, but before he left the colony it was generally conceded by his critics that their adverse opinions had been too hastily formed. If the criticisms had been confined to the financial side of his administration they would perhaps have been justified. The first difficulty that met Captain Kennedy on his assumption of office in July was to find sufficient money to pay the month's salaries. Captain Fitzgerald\* had stated that it was estimated that on 31 December there would be a credit balance of 691 pounds, and that at the end of 1856 there would be a probable credit balance of 320 pounds; in place of that Governor Kennedy found an actual debt of 14,205 pounds and not a farthing in the Treasury.\*\* Such a state of affairs was rather unfortunate for the new Governor. It compelled him to use the pruning knife somewhat freely, a proceeding which exposed him at the very commencement of his term to the danger of unpopularity.\*\*\* That danger was not lessened in 1856 when, in order if possible to arrange for the gradual liquidation of the debt, he persuaded the Council to authorise additional taxation, principally through the customs, estimated to yield 5700 pounds a year.\*\*\*\* These however, were matters upon which the responsibility of his position compelled him to take action, and any odium resulting from them would only have been ephemeral. The same can scarcely be said of his action in bringing forward an amended Licensing Bill. Being impressed with the laxity of the liquor laws and astounded at the prevalence of drunkenness, he introduced into this Bill--and succeeded in passing\*\*\*\*\*--very stringent clauses regarding the sale of liquor. Among these was one providing that conditional-pardon men could not hold a licence.\*\*\*\*\* This met with very strong disapproval outside the Council, as there were at the time several holders of licences who were of that class, and it was contended that vested interests would be interfered with,\*\*\*\*\* while at the same time men who were entitled to freedom would be placed under a disability.

(\*Footnote. Fitzgerald to Sir George Grey 28 June 1855.)

(\*\*Footnote. Kennedy to Lord John Russell 17 August 1855. This debt was made up as follows: to Commissariat Department 2959 pounds; Western Australian Bank 2577 pounds; Imperial Treasury 2169 pounds; Agent-General 1700 pounds; G. Leake, 800 pounds; Salaries July and August 8000 pounds; less revenue July to August 4000 pounds; total 14,205 pounds.)

(\*\*\*Footnote. Kennedy to Lord John Russell 17 August 1855.)

(\*\*\*\*Footnote. Proceedings of the Legislative Council 17 June 1856 Perth Gazette 20 June 1856.)

(\*\*\*\*\*Footnote. 20 Victoria Number 1.)

(\*\*\*\*\*Footnote. 20 Victoria Number 1 section 10.)

(\*\*\*\*\*Footnote. Perth Gazette 27 June 1856.)

The whole question would be one of merely passing interest if it were not that the opportunity was seized by the advocates for representative government to renew their agitation. A public meeting was held on 6 August,\* the largest held in the colony up to that time, for the purpose of considering the Licensing Act and the constitution of

the Legislative Council. On the first subject all those stock arguments in opposition that are always used against any amendment of a licensing Act were brought forward; on the second a resolution was passed affirming the necessity of increasing the number of non-official members in the Council. Incidentally, the whole tenor of the meeting was a strong condemnation of the administration of Governor Kennedy. The resolutions were in due course sent on to the Secretary of State, who replied\*\* confirming the Licensing Act with the exception of the clause excluding conditional-pardon men from holding a licence. A further dispatch\*\*\* stated that Her Majesty's Government was not prepared to advise the introduction of elective members into the Legislative Council. Convinced that non-official members had no power in the Council, Mr. Samson resigned his seat in October 1856,\*\*\*\* and M.W. Clifton followed suit in 1858. J.W. Hardey was appointed in 1855, and S.P. Phillips and E. Hamersley in 1857, while Samson was reappointed in 1859. The question of representative government was once more raised in 1858\*\*\*\*\* and again in 1860, when it was stated that the absence of unofficial members from the Council as then constituted would be quite as beneficial as their presence.\*\*\*\*\*

(\*Footnote. Ibid 8 August 1856.)

(\*\*Footnote. Labouchere to Kennedy 1 January 1857.)

(\*\*\*Footnote. Ibid 28 January 1857.)

(\*\*\*\*Footnote. Perth Gazette 17 October 1856.)

(\*\*\*\*\*Footnote. Ibid 3 and 10 December 1858.)

(\*\*\*\*\*Footnote. Proceedings of the Legislative Council 27 September 1860  
Mr. Samson in Inquirer 3 October 1860.)

But even with all this discussion over the constitution of the Council the colonists did not relax their grasp of the old bone of contention--the land regulations and the necessity for some alteration in them. By the opening up of the country round Champion Bay one phase, that of leasing, had assumed an important aspect. The leadership in this agitation, too, seems to have devolved upon Marshal Clifton, who was generally to be found in the forefront of any progressive movement of that period. In 1854 he suggested the imposition of a tax of 1 halfpenny per acre on all land, such tax to be remitted when the land was cleared and brought under cultivation. This proposal, which aimed at preventing the acquisition of large estates, failed to meet with the approval of the other members, and the matter was allowed to lapse.\* Convinced that some alteration in the land regulations was necessary, Clifton returned to the charge in 1856\*\* by proposing that the minimum price of Crown lands at auction should be 1 pound per acre up to 50 acres, 10 shillings up to 100, and 5 shillings per acre afterwards. His objects were to try to break up big estates, to restrain squatting, and to bring land under cultivation. It was admitted that the newly-opened country round Champion Bay was held in large squatting leases, the areas of most of which were out of all proportion to the stock carried, and had in many cases been selected only to prevent agriculturists from getting a footing in the district. Always ready to consider the question of altering the land regulations, the Legislative Council agreed to remit the matter to the Executive Council in the hope that some satisfactory plan might be devised. The view that Clifton urged was practically the same as that put before the House of Lords Committee on the Convict System by T.N. Yule and others, and which had so impressed that committee that it recommended the

Imperial authorities to make a large reduction in the sale price of waste Crown lands in Western Australia.\*\*\*

(\*Footnote. Proceedings of the Legislative Council 20 May 1854 Inquirer 7 June 1854.)

(\*\*Footnote. Ibid 17 October 1856 Perth Gazette 24 October 1856.)

(\*\*\*Footnote. Report of Select Committee of House of Lords on Transportation 1856 Number 124 paragraph 10. See also Answers of G.F. Moore As. 539 to 546, R.McB. Brown As. 626 to 638, T.N. Yule As. 759 to 760, 765 to 768, 829 to 834.)

The Executive Council, to which the matter had been referred by the Legislature, endeavoured by sending round a list of queries to learn the views of the inhabitants generally. A committee, consisting of Captain J.S. Roe (Surveyor-General) F.P. Barlee, and A. O'Grady Lefroy, was then appointed to take these replies into consideration and formulate such amendments as seemed to be necessary. This committee reported in June 1857,\* and had the satisfaction of finding its report unanimously approved by the colonists. No alteration in the regulations governing town allotments were proposed, but drastic amendments in those relating to Crown lands were suggested. The price was to be reduced to 5 shillings per acre for cash, or 6 shillings for credit extending over three years; sales by auction were to give way to sales at a fixed price; the minimum amount allowed to be forty acres; every adult paying cabin fare from England and purchasing 40 acres was to be allowed an additional 20 acres as a grant, such land to be selected within twelve months of arrival and the selector to reside on it for three years before he received the title; application fees were to be abolished and the cost of title-deeds reduced to 20 shillings on all grants. In regard to pastoral leases no alteration in the prices of either A or B land, as set out in the Order in Council of March 1850, was suggested. It was proposed, however, to alter the boundaries of class A in some respects and to give the Executive Council power to move into class A any land within a mile of future purchases. In class B the committee proposed that the maximum lease should be 10,000 acres instead of 20,000, that the term of lease should be eight years as before, with the right of renewal, but that in case of renewal the rent should be raised 50 per cent, and another 50 per cent in the event of a second renewal; that during the first year only the lessee should have the right to purchase, and that for three years he should have a preemptive right over two acres for every 100 comprised in the lease; that subject to the restrictions mentioned any person could select for purchase areas of no less than 40 acres, the price paid to be fixed beforehand, and the lessee to be compensated for any improvements made on the particular block. In view of the proposed reduction in the price of land the committee recommended the abolition of tillage leases.

(\*Footnote. Perth Gazette 19 June 1857 Report of Committee.)

The report of the committee was unanimously accepted by the Council.\* It was considered the broadest and most satisfactory proposal put forward up to that time, and it embraced most of the requests made by the colonists during the previous twenty years. In due course the land regulations thus amended were forwarded for the approval of the Imperial authorities,\*\* and the reply of the Secretary of State was considered at the session of the Legislative Council in 1858.

(\*Footnote. Proceedings of the Legislative Council 24 June 1857 Perth Gazette 26 June 1857.)

(\*\*Footnote. Kennedy to Labouchere 13 August 1857.)

Recognising that the amendments represented the unanimous opinion of the colonists, Lord Stanley notified his approval of them with only two exceptions.\* He declined to fix the sale price of Crown lands at less than 10 shillings per acre, and he refused to give any right of renewal in the case of pastoral leases for eight years. In coming to a decision he was guided by the opinion of the Land and Emigration Commissioners, to whom he had referred the whole question. In order to assist further in preventing land monopolies, against which the amendments had in part been framed, the Secretary of State suggested the imposition of a tax on country lands and of a poll tax on sheep and cattle. The Legislative Council, strongly convinced of the wisdom of its original proposals, and equally certain that a land tax would be injurious, protested against the suggestions of the Secretary of State,\*\* but without effect. In August 1859 a dispatch\*\*\* was received from the Colonial Office confirming the previous one on the subject, and directing the Governor to bring the regulations so amended into operation. A second dispatch\*\*\*\* enclosed a long report from the Land and Emigration Commissioners in continuation of their former report, and along the same lines. They contended that if colonial lands were made too cheap, every colonist would become a landowner and not one remain a labourer. The requirements of the colony were not, in their opinion, cheap land and labour, but an increase of capital, and capitalists were not tempted to a country by the cheapness of the land, but by the return which could be obtained from it. The fear that every colonist might become a landowner seems curious in these days of closer settlement, when the universal cry appears to be "Back to the land."

(\*Footnote. Lord Stanley to Kennedy 1 May 1858.)

(\*\*Footnote. Proceedings of the Legislative Council 23 September and 1 October 1858 Perth Gazette 1 and 8 October 1858. The resolutions of the Legislative Council were forwarded by Kennedy to Secretary of State 13 October 1858.)

(\*\*\*Footnote. Sir E.B. Lytton to Kennedy 19 May 1859.)

(\*\*\*\*Footnote. Ibid 20 May 1859.)

The land regulations passed in 1857 had therefore to be altered in order to fix the minimum price per acre at 10 shillings and to make the other amendments required by the Home authorities. Though the colonists were afraid that the alterations would defeat the object they had in view, that fear proved to a large extent groundless. In an address to the Legislative Council in October 1859,\* the Governor brought forward statistics which showed that the leasing provisions of the regulations had proved satisfactory. Whereas the land leased from the Crown in 1852 amounted to 2,356,239 acres, in 1859 it reached 5,003,336, or more than double, with a corresponding increase in revenue. In April 1860, when the first applications for the purchase of land under the new conditions were received, land to the value of 3050 pounds was sold on the first day,\*\* and the receipts from that source which in 1850 were 1357 pounds\*\*\* had grown in 1860 to 10,193 pounds.\*\*\*\* In fact, so successful did the operation of the new regulations prove that no further attempt at drastic alterations were made for some considerable time.



(\*Footnote. Proceedings of the Legislative Council 22 October 1859 Perth Gazette 28 October 1859.)

(\*\*Footnote. Inquirer 18 April 1860.)

(\*\*\*Footnote. Blue book 1850 page 20. The figures in Statistical Summary include both sales and rents.)

(\*\*\*\*Footnote. Ibid.)

The increased activity in the alienation of land was no doubt largely due to the improved regulations under which it could be secured. Large investors were more certain of a return for the money invested, whilst the smaller capitalist and the provident worker found it possible to secure freeholds and thus become their own masters. At the same time there is no doubt that the expansion was partly due to the continued influx of convicts and to the numbers of immigrants who arrived in pursuance of the agreement that as many free persons as convicts should be sent out. Up to the end of 1853 there had been 2598 criminals landed in the colony, and during the succeeding seven years another 2911 arrived, making in all a total of 5509 during the first ten years of the operation of the system. In addition, during the five years ending 1855, the British Government had provided passages for nearly four thousand free immigrants.\* Such a large increase in the general population could not help but affect every phase of colonial development. For the first time for many years sufficient labour, free or forced, was available for the three great needs of the community--improved means of communication and transport, assistance in cultivating the land, and a market for the produce. The improved means of communication made it possible for owners to cultivate profitably land farther from the centres of population, whilst the labour necessary to assist in that development was easily procurable and a sufficiently large market to absorb the produce ready to hand.

(\*Footnote. Ibid.)

As might be expected from the presence of such a large criminal population, many of whom were to all intents and purposes at large, crimes both of trifling and serious character were fairly frequent, but never so frequent as to be beyond the power of the police to control. The question as to whether the imperial or colonial funds should bear the expenses of maintenance of the police force was for some time a bone of contention. Under the original agreement the Imperial Government agreed to pay two-thirds of the cost of the police force, but when 10,000 pounds was estimated as the cost for 1855 objection was taken on the ground of extravagance, and the Secretary of State refused to contribute more than 6000 pounds in any one year.\* Real grievances being scarce, this was immediately seized by the colonists. Meetings in protest were held in various centres and a memorial\*\* prepared for submission to the Secretary of State complaining that the Home authorities should bear at least two-thirds of the total expense, as they had benefited by the erection of prisons, depots, quarters, and so on, while the colonists still looked in vain for their roads and bridges. The memorial further directed attention to the fact that the free immigrants promised were not being sent out, while some of the convict vessels carried only men who were entitled to their tickets-of-leave immediately upon landing, and could not therefore be employed upon public works. Governor Kennedy duly transmitted the memorial,\*\*\* but displayed no enthusiasm in support of it. In reply the Secretary of State\*\*\*\* fixed

the Imperial contribution at the 6000 pounds previously notified, and pointed out that so far as emigration was concerned 3786 free people had been sent out by British funds up to the end of 1855, while only 3661 convicts had been transported during the same period. He admitted that the colonists were justified in asking that the convicts should be employed on public works for some portion of their sentences, but pointed out that there was not a sufficient number of suitable convicts to meet the demands.

(\*Footnote. Duke of Newcastle to Fitzgerald 28 February 1854; Sir George Grey to Fitzgerald 26 January 1855.)

(\*\*Footnote. Perth Gazette 14 September 1855 copy of memorial.)

(\*\*\*Footnote. Kennedy to Lord John Russell 18 October 1855.)

(\*\*\*\*Footnote. Labouchere to Kennedy 3 April 1856 in Perth Gazette 19 September 1856.)

Though the moral status of the community can scarcely be said to have been raised by the introduction of convicts, there is little doubt that materially the colony as a whole benefited, and that to a great extent, by their presence. Public works, which had been anxiously desired ever since the foundation of the colony, were built, and though the erection of bridges and the making of roads did not proceed quite so expeditiously as the colonists could have wished, considerable progress was made. Many complaints of the want of permanent lines of communication were voiced from time to time, but, as the Governor somewhat sarcastically pointed out, it was no light task to provide those means in a community numbering only 11,000 people, who were so scattered that it required 11,000 miles of road to connect them. One cause of the delay lay in the fact that many of the convicts sent out were entitled to tickets-of-leave immediately on landing. The Sea Park, which landed 304 felons in April 1854, provided only one man for public works, the remainder seeking outside employment under tickets-of-leave. Though in a way it was fortunate that such a good class of criminal was sent out, the colonists scarcely looked at the matter in that light. To them the convict system represented three things--the lavish expenditure of British funds, cheap labour for their public works, and a stream of free immigration paid for by the Home authorities; and to secure those they were willing to take the risk of being saddled with an incorrigible criminal population. Perceiving this, the Secretary of State from 1855 did not exercise such great care in the selection, with the result that criminals were transported who were a curse to human society.\* They certainly were available for Government works for a long period after arrival, but once they were set free the colonists recognised that their services had been dearly bought.

(\*Footnote. See Captain Henderson's evidence before House of Lords Committee on Transportation 1856 pages 83 Qs 870 to 874.)

To give some idea of the extent of the work performed by convicts during this period, it may be mentioned that buildings, bridges, and roads to the value of over 50,000 pounds had been completed, or were in course of construction, at the end of 1860. The principal of these was the convict establishment itself, erected at Fremantle, which now forms part of the Fremantle Jail. Some hundreds of convicts were engaged upon it, but, as might be expected, progress was slow, as the men had no fear of being dismissed on the ground of incompetence. The prison, with the necessary officers' quarters, pensioners' barracks, and other appurtenances, formed for many years the

principal work of the convicts, and the people of Fremantle grew accustomed to the clank of the chaingangs as they passed to and fro. In fact, the unwonted activity seems to have made them so proud of the town that in 1854\* they seriously suggested (but without effect) to the Secretary of State\*\* that the seat of Government should be removed from Perth to the port. Other works were the construction of the present Government House, estimated to cost 7000 pounds, but which, when completed in 1864, was found to have cost nearly 18,000 pounds; the erection of a new jail at Perth on the site now occupied by the Public Library, Museum, and Art Gallery; the building of country depots or branch convict establishments and invalid depots; and various police stations, courts, and jetties. The Perth to Fremantle road was also permanently laid out, and a large swampy lake at the back of the capital, on which the Central Railway Station now stands, was drained into the river at Claisebrook. All this activity meant the expenditure, as has been shown, of large sums of money, all of which was provided by the British Government, and a great part of which found its way into the pockets of the colonists. A wave of prosperity passed over the colony, and the settlers felt that their determination to receive convicts had been amply justified, more particularly as a large influx of free people had also resulted.

(\*Footnote. Fitzgerald to Sir George Grey 15 December 1854 enclosing memorial from residents of Fremantle.)

(\*\*Footnote. Lord John Russell to Fitzgerald 1 May 1855.)

Two important matters concerning the administration of the system called for attention during these years. It was the original intention of the British Government that a convict, when on ticket-of-leave, should, out of his earnings, refund 15 pounds--the cost of passage out--to the Imperial Treasury.\* This proved practically unworkable, its only effect being to raise the price of labour. The convict naturally objected to pay for a voyage which he did not undertake voluntarily, and the employer did not relish having to pay higher wages in order that his employee might reimburse the British Treasury. At the end of February 1857 there was 7200 pounds due on this account, while 400 pounds had been paid in advance.\*\* When giving evidence on the subject before the House of Lords Committee, G.F. Moore and others advised that the regulations be reconsidered, as the expense entailed by it fell not upon the convict, but upon the settler. The committee, in its report, adopted the advice.\*\*\* Captain Henderson and also Captain Wray, who acted for some time as Comptroller-General, in successive reports\*\*\*\* also advised that some alteration be made, stating that the abolition of the regulation would remove a widespread and very natural discontent among the ticket-of-leave men and relieve the colonists from a heavy tax by enabling them to reduce wages. The Governor supported this view, and it was approved by the Secretary of State.\*\*\*\*\* In order that there might not be any dissatisfaction, the authorities refunded the 400 pounds already paid in advance.\*\*\*\*\* All payments ceased as from 28 February 1857.\*\*\*\*\* The same course was adopted regarding the payments towards the passages of wives and families of convicts.\*\*\*\*\*

(\*Footnote. Earl Grey to Fitzgerald 5 January 1850.)

(\*\*Footnote. Kennedy to Labouchere 13 April 1857 with enclosure Captain Wray to Kennedy 13 March 1857.)

(\*\*\*Footnote. Report of Select Committee of House of Lords on transportation 1856 page 4 paragraph 11.)

(\*\*\*\*Footnote. See Half-yearly reports of Comptroller-General 188 and 1856 in House of Commons Papers on Convict Discipline and Transportation.)

(\*\*\*\*\*Footnote. Labouchere to Kennedy 14 September 1856.)

(\*\*\*\*\*Footnote. Kennedy to Labouchere 13 April 1857.)

(\*\*\*\*\*Footnote. Ibid.)

(\*\*\*\*\*Footnote. Labouchere to Kennedy 4 March 1857.)

It will be remembered that early in the fifties suggestions having in view the introduction of female convicts had been made by the Home authorities, but had been strongly opposed by the settlers. The revolting condition of affairs in Tasmania consequent upon their introduction to that colony was too well-known, and however anxious Western Australia might have been to secure cheap labour, it had a decided aversion to that type of it. One of the reasons which impelled the Duke of Newcastle to make the suggestion in 1853\* was the disparity between the sexes, there being nearly three males to every female. Public opinion opposed the idea\*\* and the Governor advised against it,\*\*\* so for a time the matter was allowed to drop. It was renewed by the Secretary of State in 1856,\*\*\*\* when the proportion of males to females had risen to 100:11. A public meeting held at Fremantle in May 1857\*\*\*\*\* favoured the introduction of female criminals, and in June of that year Clifton succeeded in passing a resolution in favour through the Legislative Council;\*\*\*\*\* the Surveyor-General, the Colonial Treasurer, Phillips, and Hamersley voting against it. The Governor was on the side of the majority. This resolution led to public meetings in various country centres, at which strong opposition to the idea was evident. The Governor made a full report to the Home authorities, faintly recommending a trial of the experiment,\*\*\*\*\* but in 1858 the Imperial Government\*\*\*\*\* finally decided not to transport females to Western Australia.

(\*Footnote. Duke of Newcastle to Fitzgerald 14 December 1853.)

(\*\*Footnote. Inquirer 31 May 1854.)

(\*\*\*Footnote. Fitzgerald to Duke of Newcastle 3 August 1854.)

(\*\*\*\*Footnote. Labouchere to Kennedy 16 December 1856.)

(\*\*\*\*\*Footnote. Perth Gazette 5 June 1857.)

(\*\*\*\*\*Footnote. Proceedings of the Legislative Council 23 June 1857 Perth Gazette 26 June 1857.)

(\*\*\*\*\*Footnote. Kennedy to Labouchere 13 August 1857.)

(\*\*\*\*\*Footnote. Labouchere to Kennedy 17 February 1858.)

Ample evidence of the material advantages derived from the convict establishment may be found in the trade relations. The value of exports, which in 1850 stood at 22,135 pounds, had risen in 1860 to 89,247 pounds. The principal articles exported were, of course, wool and timber, followed by horses (for the Indian market) and whale-oil. The imports had also increased considerably, and reached 169,075 pounds in 1860.\* This does not, perhaps, indicate an altogether healthy state of affairs, but apart from the fact that a portion of it represented materials for public works and

provisions and clothing for the convicts, it shows that the establishment of the convict system had brought about the introduction of a large amount of money, the benefits from which were being felt by the community generally. The revenue and expenditure, too, had grown equally with the trade. In 1850 the local receipts were 11,722 pounds and the disbursements (including that from grants-in-aid) 16,657 pounds; and in 1860 the figures were 60,741 pounds and 61,745 pounds respectively.\*\* The grants-in-aid from Imperial funds, which during the first twenty-one years of the colony's existence amounted to 375,264 pounds, showed a marked increase, reaching the sum of 906,000 pounds during the decennial period 1851 to 1860.\*\*\* When we remember that of this amount 450,000 pounds went in pay and allowances and a further 250,000 pounds in payment for locally produced foodstuffs\*\*\*\* for the prisoners, we readily understand that at this stage, at any rate, the colonists had no qualms of conscience over the introduction of convicts.

(\*Footnote. Statistical Summary Appendix 4.)

(\*\*Footnote. Ibid. The colonial revenue is taken from the Blue Books 1850 to 1860.)

(\*\*\*Footnote. Inquirer 13 June 1860 extract from census report.)

(\*\*\*\*Footnote. Ibid.)

In addition to trade expansion, to the erection of public buildings, and the building of permanent roads, further evidence of the prosperity due to the altered conditions was to be found in the acreage under crop, 24,705 (more than double the area in 1850) and the number of stock, 313,000 (being an increase during the ten years of over 150,000). Of the total stock, sheep accounted for upwards of a quarter of a million, showing that squatting had gained a firm hold in Western Australia, as it had in the eastern colonies. In fact, the wool sent away from the colony in 1860--49,000 pounds--represented more than half the value of all exports.\* Considerable success was also gained in breeding horses, the proximity of India and the requirements of the Indian army, particularly at this time, affording a ready market. Timber and whaling gave employment to numbers of people, and in every centre of population there was evidence of activity and progress. The stagnant settlement of 1850 had become in ten years a hive of industry, a change which the colonists believed to be wholly due to the introduction of convicts. As Governor Fitzgerald put the matter before the House of Lords Committee, the convicts had saved the colony.\*\*

(\*Footnote. Statistical Summary Appendix 4.)

(\*\*Footnote. Report of Select Committee of House of Lords on Transportation page 20 Q 189.)

The gold discoveries of Victoria, combined with the proved existence of lead and copper, served to keep alive an interest in mining. That interest was stimulated by Robert Austin, one of the Government surveyors, who as the outcome of a trip through the Murchison district expressed the opinion that gold might be found there.\* Fuel was added by the exhibition of some specimens of gold said to have been found somewhere in the eastern districts. The locality of the find could not, however, be fixed. As a result of these reports, prospecting was carried on with some degree of assiduity, but without any discoveries being made. A certain amount of activity was, however, being shown in lead and copper mining. Lead of good quality was secured

from the Geraldine Mine, and other mines--principally the Wanerenooka and the Wheal Fortune--were opened up and yielded copper of excellent quality and in considerable quantity. These mines would doubtless have had a prosperous career but for the difficulties of transit to the seaboard at Geraldton. The local Government was approached, without success, with a request for a railway or tramway, and in 1860 the Imperial authorities were asked\*\* to guarantee the cost of construction. A refusal\*\*\* in this direction also, combined with a serious fall in the price of copper which occurred at the time, made profitable working almost impossible, and in consequence the mines languished.

(\*Footnote. Austin, R. Journal of Expedition to Explore the Interior of Western Australia Perth 1855 page 58.)

(\*\*Footnote. Kennedy to Sir G. Cornwall Lewis 16 March 1860.)

(\*\*\*Footnote. Sir G. Cornwall Lewis to Kennedy 14 July 1860.)

The search for mineral wealth and the opening up of good pastoral country round Champion Bay led, during these years, to a revival of exploratory work. In 1854 Assistant-Surveyor Austin was sent by Governor Fitzgerald to examine the country to the north and east of the settled districts with a view to discovering minerals and of opening up further pastoral and agricultural land. This expedition, which left Moumbakine, near Northam, in July, traversed and examined a considerable tract of salt marsh country and discovered several mountains and salt lakes. Further progress was prevented owing to the death of the horses through eating the poisonous box-plant, and Austin was compelled to make for the coast. On his way a halt was made at Mount Magnet, and the district round Mounts Magnet and Kenneth and Lake Austin examined. This was afterwards described in his report as probably "one of the finest goldfields in the world."\* Austin finally arrived at the Geraldine Mine in November, after suffering severely from want of water. In the following years, 1855 and 1856, A.C. Gregory made his well-known journey from the Northern Territory along Sturt Creek to Lake Termination, in the north-east of Western Australia, thence returning to his camp on the Victoria Plains, to the south of the Kimberley goldfield.\*\* The remaining explorations were conducted by F.T. Gregory, who in 1857 returned to complete the survey of the unexamined portions of the Murchison River,\*\*\* and in 1858 was sent out for the purpose of exploring and reporting on the Shark Bay and Gascoyne River districts. Leaving the Geraldine Mine in April, Gregory followed the Murchison River to the neighbourhood of Mount Gould, proceeding thence to the headwaters of the Gascoyne. Tracing that river to its mouth, he made his way back to Perth and reported that there were several tracts of good, well-watered land in the Gascoyne district admirably suited for pastoral purposes, but suggested a further examination in the dry season of the year.\*\*\*\*

(\*Footnote. Austin, R. Journal of Expedition to Explore the Interior of Western Australia page 58.)

(\*\*Footnote. Favenc, E. History of Australian Exploration Sydney 1888 pages 184 to 187.)

(\*\*\*Footnote. Gregory, Sir A.C. and F.T. Journals of Australian Explorations Brisbane 1884 pages 34 to 36.)

(\*\*\*\*Footnote. Ibid pages 37 to 50.)

No further explorations of this section of the country were made in those years, but a good deal of attention was bestowed upon the districts lying immediately east of York and Northam. Various small expeditions, urged by the desire to secure good land, went out, and reported in fairly favourable terms upon land that is now being recognised as comprising some of the best cereal-producing country in the State.

The material prosperity of the colony was in some measure reflected in the progress made in religious and educational affairs. The Church of England, which in 1850 had been made an archdeaconry under the control of the Bishop of Adelaide, was erected in 1856 into a bishopric, and Perth by Letters Patent was constituted a cathedral town, "thereafter to be called the City of Perth."\* The first Bishop, nominated by Bishop Short of Adelaide, was the Right Reverend Matthew Hale,\*\* who had been Archdeacon since the foundation of the bishopric in South Australia. Bishop Hale, who was not unacquainted with the colony, arrived in 1856, but left for England toward the end of the year and was consecrated there in March 1857. He returned, accompanied by several clergymen, in 1858,\*\*\* and immediately set about the organisation of his diocese. The Reverend George Pownall was appointed Dean of Perth and the Reverend James Brown, one of the official chaplains, Archdeacon. Other denominations were also extending their spheres of action. The Roman Catholic Church surmounted its early troubles and entered upon progressive work, its first district outside Perth being that of York. The Congregational Church was established in the colony in 1859, and the Wesleyans were rapidly launching out in the manner so characteristic of that sect. Educational interests were fostered both by the Government and the various churches, and while little in the way of secondary education existed at that time, the bulk of the children were given an opportunity of acquiring a knowledge of the primary subjects of instruction.

(\*Footnote. Labouchere to Kennedy 23 May 1856 enclosing Letters Patent.)

(\*\*Footnote. Ibid.)

(\*\*\*Footnote. Perth Gazette 15 January 1858.)

## CHAPTER 10. 1861 TO 1868.

**DEPARTURE OF GOVERNOR KENNEDY AND ARRIVAL OF DR.  
JS. HAMPTON.  
CONVICT ADMINISTRATION.  
INCIDENTS OF THE SYSTEM.  
PROGRESSIVE PUBLIC WORKS POLICY.  
CESSATION OF TRANSPORTATION.  
EFFECTS OF THE SYSTEM REVIEWED.**

The changes in the personnel of the Government during the period ending with 1868 were few. The principal was the retirement of Governor Kennedy in 1862 through effluxion of time. Kennedy can scarcely be said to have been a popular officer. A man of strong opinions and determined will, once he had marked out a line of action he pursued his course without any regard to public favour. In this respect he was not unlike Governor Hutt, but it must be admitted that he had not always the same difficulties to contend with as that gentleman. The Press, which presumably reflected the general public opinion of the day, considered him entitled to "every credit for great ability, and for great unscrupulousness in carrying out his plans regardless of public opinion however expressed."\* And yet to Governor Kennedy's careful guidance the settlers owed the only system of land regulations that had up to that time given anything like general satisfaction. His unpopularity seems to have been caused by an obnoxious Customs ordinance passed in 1860,\*\* an accusation of interference with the magistracy, a refusal to spend public money on roads to the Champion Bay Mines, and a generally restricted policy of public works. The opposition to the Customs Act certainly had some justification, more particularly as regards those clauses requiring the lightermen to enter into heavy bonds before being allowed to discharge cargo. How ill-advised was the attempt to press a highly technical Customs Act upon a still but half-organised community was shown on the arrival of the first boat after the ordinance was passed. No one could be found to enter into bonds,\*\*\* and consequently the unloading of the ship had to be carried out by the Government itself. The inconvenience of such a proceeding was manifest even to the Governor, who, when the Bill was under consideration, had steadfastly refused to admit the possibility of such an occurrence, and as a result the obnoxious clauses were suspended and afterwards repealed. Captain Kennedy incurred further displeasure in January 1861 by the removal of the names of Drummond and Lukin from the Commission of the Peace. It was generally believed that the action was due to the objection these justices had against being regarded as mere creatures of the Executive,\*\*\*\* an opinion which was strengthened by the removal shortly afterwards of Wallace Bickley's name from the Commission. Though there is not sufficient evidence to prove the truth of the contention, there are many indications that Governor Kennedy did not view independence on the part of the magistrates with anything like favour. That may have been owing to the difficulty of handling a convict population, and the fear that leniency or sympathy might bring about an increase of crime, but it was certainly unwise for the representative of the Sovereign to interfere in the administration of justice. In refusing to spend public money in order to increase the profits of a private mining company by providing facilities for transport which the Company should itself have provided, the Governor ought to have had the support and not the opposition of the colonists, particularly as there were many necessary public works in the centres of population which could not be carried



out through lack of funds. Unfortunately, there existed in the public mind an impression that the Government was not hampered by any lack of funds, but that the Governor was pursuing a policy of parsimony in order to leave a surplus at the end of his term, and so secure the credit of being a successful administrator. There certainly was a sum of about 22,000 pounds lying in the colonial chest in March 1861,\*\*\*\*\* notwithstanding pressing demands for roads, bridges, and buildings, but instead of that being due to economy, it was brought about by the fact that so few convicts were arriving that there was not sufficient labour to absorb it.

(\*Footnote. Perth Gazette 24 January 1862.)

(\*\*Footnote. 24 Victoria Number 5.)

(\*\*\*Footnote. Inquirer 6 February 1861 Perth Gazette 8 February 1861.)

(\*\*\*\*Footnote. Perth Gazette 4 January 1861; Inquirer 13 and 20 March 1861.)

(\*\*\*\*\*Footnote. Inquirer 27 March 1861.)

Just prior to leaving the colony Captain Kennedy, without seeking the sanction of the Legislative Council, authorised a scheme of public works\* which far exceeded the money in hand. For this he was accused of unwarranted extravagance, and of seriously hampering the operations of his successor. The colonists had apparently determined to show disapproval of everything he did, and perhaps the real reason lay in the fact that he was not one of themselves. Courteous in all his actions and punctilious to a degree, he never forgot, nor did he allow anyone else to forget, that he was the Governor. Complaints against his administration of the convict system were to some extent justified. It lacked efficiency, and was not usually in the interests of the colony. In fact, all through his term Captain Kennedy was an Imperial officer, bent on conserving Imperial interests, and where these clashed with the requirements of Western Australia he leaned in every case toward the Motherland. In this respect he differed from his successor, Dr. John Stephen Hampton, who arrived in the colony in February 1862. Dr. Hampton had for a time been Comptroller-General of Convicts in Tasmania, where he had achieved considerable unpopularity through being a strict disciplinarian. He had a wide experience of convict life, and there is no doubt that as regards the convict system his administration of the Government of Western Australia was more successful than that of his predecessors.

(\*Footnote. Proceedings of the Legislative Council 3 June 1862 Perth Gazette 6 June 1862. Second reading of Bill to confirm expenditure for 1861 beyond the amount authorised.)

The only other important official change during this period (if we except the resignation of Captain Henderson) was in the judicial office. On the resignation of Judge Mackie in 1857 Judge McFarland had been appointed Commissioner, and arrived early in 1858. His term of office was short and not altogether acceptable. In 1861 he resigned, and was succeeded by Mr. (afterwards Sir) Archibald Paull Burt as Commissioner of the Civil Court and Court of Quarter Sessions. Shortly after his appointment Burt decided that under the constitution he had no power to issue writs of habeas corpus or certiorari.\* To meet this difficulty an ordinance was passed in June 1861,\*\* creating a Supreme Court for the colony and appointing Burt the first

Chief Justice, with G.F. Stone as Attorney-General and A.H. Stone as Master of the Court.\*\*\*

(\*Footnote. Ibid 12 June 1861 Inquirer 19 June 1861.)

(\*\*Footnote. 24 Victoria Number 15.)

(\*\*\*Footnote. Western Australian Government Gazette 25 June 1861.)

The convict system still continued to be one of the most important features in the history of the colony. In March 1861 the Secretary of State replied\* to the complaint of the Legislative Council concerning the failure to keep up the supply of convicts. He explained that while the Imperial Government recognised the importance to the colony of an adequate supply of forced labour, a difficulty was created by the limited number of men who were being sentenced to periods of imprisonment sufficiently lengthy to admit of transportation. The protest, however, appears to have had some effect, as from 1861 till the cessation of the whole system in 1868 a reasonable supply was maintained. No doubt the fact that Western Australia was the only place left to which convicts could be transported had also some effect in bringing about the increased supply. Up to the end of 1860 the number of convicts transported to the colony was 5509; from 1861 to 1868 a further 4212 were sent, making a total convict population of 9721.

(\*Footnote. Duke of Newcastle to Kennedy 15 March 1861.)

The Duke of Newcastle's dispatch was reassuring to the settlers, as while it did not give any guarantee to send out yearly the thousand convicts which the Legislative Council considered the colony could absorb, it showed that, for the time at any rate, there was no intention to abandon the system of transportation. There certainly had existed, locally, a fear that transportation might be abandoned, more especially as the inhabitants of the other Australian colonies had expressed a desire that it should cease over the whole continent, and some of the Legislatures had even passed laws to prevent persons who had been convicts in Western Australia from coming within their limits. The question was referred to by the Comptroller-General in his report for 1860,\* the concluding paragraph of which states:

"Some doubt seems still to hang over the question of the continuance of transportation to this colony, and it may not be irrelevant to record once more that there exist here facilities, and an almost certainty of success of such a system as that now in force, which in all human probability will never recur. An extensive territory with innumerable resources slowly but surely developing themselves, a large leaven of free settlers anxious and willing to cooperate with the Government in the progress of transportation as here established, necessities of life at a reasonable price, an excellent climate, and a well-organised convict department with all the means and appliances necessary for the full and efficient performance of its duties in working a system hitherto successful, form a combination of facts which may hereafter be sought in vain."

(\*Footnote. Further correspondence on the subject of convict discipline and transportation 8 May 1862 Cd. Paper 3170 page 10.)

The dispatch from the Secretary of State,\* referred to above, informed the Governor that a committee of the House of Commons had been appointed to inquire into transportation generally, and that the view taken by the Council in Western Australia would doubtless be considered. This committee reported in the following May that "while the committee have not thought it their duty to take evidence as to any possible changes for the purpose of increasing the supply of convict labour to Western Australia, they did not think it advisable to interfere with the present arrangements for transportation to that colony...when Western Australia is anxious to receive such a number of convicts as this country may from time to time be able to send there."\*\*

(\*Footnote. Duke of Newcastle to Kennedy 15 March 1861.)

(\*\*Footnote. Report of Select Committee of House of Commons on Transportation 1861 Number 286 page 5 paragraph 12.)

Further reference was made to the subject in the report of a Commission appointed in 1862,\* with Earl Grey as chairman, to take into consideration the whole question of transportation and penal servitude. Voluminous evidence was taken by this Commission, and a vast amount of information regarding the merits of the system as carried out in Western Australia was given by Captain Kennedy, Colonel Henderson, Dean Pownall, Major Sanford, and Captain Du Cane.\*\* In its report, dated 20 June 1863, this commission recommended that with the exception of those who were physically or otherwise unfit, all convicts sentenced to penal servitude for any term of years should be ultimately sent to Western Australia.\*\*\* The "physically or otherwise unfit" were defined as not fit for manual labour or those who had been convicted of unnatural crimes. This restriction upon the class of man sent out was of practical value to the colony in bringing about an improvement in the morals of those transported. That a very dangerous element had previously been sent out was apparent from the evidence given before the Commission. One witness stated that in addition to men convicted of unnatural offences, concerning whose sanity there might be doubts, twenty-eight lunatics had been introduced, while at one time in 1861 there were more than that number of murderers in Fremantle Prison.\*\*\*\*

(\*Footnote. Report of the Commissioners appointed to inquire into the operation of the Acts relating to transportation and penal servitude 1863 Cd. Paper 6457.)

(\*\*Footnote. Ibid volume 2 pages 185, 211, 215, 251, 493 and 513.)

(\*\*\*Footnote. Report of the Commissioners appointed to inquire into the operation of the Acts relating to transportation and penal servitude 1863 Cd. Paper 6457 volume 1 page 72.)

(\*\*\*\*Footnote. Ibid volume 2 pages 190 to 191 Captain Kennedy Qs 2380 to 2391.)

The Commission also recommended that the system of granting conditional pardons, which had obtained in the colony up to that time, should be abolished.\* Strong objection to the system was taken by witnesses from the eastern colonies of Australia, who pointed out the dangers that might arise from an exodus of these men to the other more prosperous colonies. This objection was largely sentimental, as there was little evidence of the reconviction of conditional-pardon men who had proceeded to

Victoria or South Australia. The recommendation was no doubt chiefly due to the strong opinion expressed by Captain Kennedy that the practice of granting these pardons should be discontinued, as the men were subject to no special control, and it often happened that an industrious and well-behaved holder of a ticket-of-leave became a confirmed loafer and parasite on obtaining his conditional pardon.\*\*

(\*Footnote. Ibid volume 1 page 57.)

(\*\*Footnote. Ibid volume 2 page 192 Qs 2400 to 2401.)

The question of the wisdom of granting these pardons had already engaged the attention of the Secretary of State, who in a dispatch of April 1863 had ordered the suspension of the privilege in the case of convicts under sentence of twenty years or upwards. Later in the year it was decided to abolish the system altogether as far as it concerned convicts sent out after 26 September 1863,\* and to require that every convict should remain in Western Australia under surveillance until the completion of his sentence. That the new system did not meet with the approval of the convicts is evident from the more frequent and desperate attempts at escape which took place after the end of 1863.

(\*Footnote. Duke of Newcastle to Hampton 26 September 1863. See also Proceedings of the Legislative Council 22 June 1864 Inquirer 29 June 1864.)

The principal recommendation of the Commission--the adoption of extended measures of transportation to Western Australia as a permanent policy--was, however, set aside at the earnest solicitation of the eastern colonies.\* Though somewhat disheartened by the temporary rebuff which the report of the Commission gave, the Legislatures and people of those places continued to urge upon the Home authorities the injustice accruing to the eastern part of the continent through the presence of a penal settlement in the West. New South Wales and Tasmania had cast off the convict yoke; Victoria and South Australia had never come under its baleful influence; and all joined in energetic protest against its continuance in any part of Australia, even though the local authorities in that part desired it.\*\* The arguments used in the east were not always quite fair to Western Australia\*\*\*--it is, for example, very doubtful whether the eastern colonies in any way suffered through the presence of conditional-pardon men from the west--but the overwhelming moral force exhibited in the desire to make Australia a free, law-abiding, clean land could not fail, sooner or later, to bring about the object aimed at.

(\*Footnote. Ibid 26 January 1864. See also Circular Dispatch to Governors of the Australian Colonies 26 January 1864.)

(\*\*Footnote. Correspondence relative to the discontinuance of transportation 1865 Cd. Paper 11406.)

(\*\*\*Footnote. Ibid page 11.)

No doubt the Imperial authorities were helped to a decision on this momentous subject by the discovery of further rich pastoral land in the north, around Nickol Bay. The local authorities sought consent to send batches of convicts to this district. People in the eastern colonies were also desirous of securing land there, but objected to do so while the chance remained of convicts being drafted to it.\* The local application to

send convicts came before the Secretary of State at a time when various schemes for a general reorganisation of the convict system were being put forward, and the Minister not only refused to assent, but informed the colonial authorities that at the end of three years the whole system of transportation would cease.\*\*

(\*Footnote. Correspondence relative to the discontinuance of transportation 1865 Cd. Paper 11406 page 33 Cardwell to Hampton 26 November 1864.)

(\*\*Footnote. Ibid.)

This decision, so far as it related to the introduction of convict labour or of persons under a penal sentence into the newly-discovered country, met with approval both in England and Australia, and there is no doubt that it saved Governor Hampton, who was favourable to convict labour, from committing a grave error of judgment.

Possibly owing to the omission to state a definite date upon which transportation would cease, the decision was not at first taken very seriously in the colony, but the Imperial Government wasted no time in showing its earnestness in the matter. Early in 1865 the House of Commons was informed\* that the system would come to an end in three years' time, and on May 12 the Secretary of State forwarded a dispatch to the Governor stating: "The present intention of the Government is to send out two ships containing from 270 to 280 convicts, in each of the years 1865, 1866, and 1867, at the end of which transportation will cease.\*\* This intention was duly carried into effect, the last vessel to arrive with convicts being the Hougoumont, which reached Fremantle on 10 January 1868.

(\*Footnote. Hansard third series volume 177 page 137.)

(\*\*Footnote. Cardwell to Hampton 12 May 1865. See also Cardwell to Hampton 25 July 1865.)

When the intention to put a stop to transportation became known locally, the cry for compensation--so usual when a concession is withdrawn--was immediately raised. The Perth Chamber of Commerce, with a self-confidence befitting the tailors of Tooley Street, resolved that:

"No time should be lost in asserting the claim of the colony to compensation; that free emigration at the expense of the Imperial Government should be continued for ten years; that the Home Government should furnish a steamer for coast communication; that, as the convicts have been employed in the erection of buildings for their own occupation, and that now when those buildings are completed we are to be deprived of that labour which should be available for roads, a grant of 250,000 pounds, paid annually in sums of 25,000 pounds, from the Imperial funds, be asked for."\*

(\*Footnote. Perth Gazette 27 January 1865.)

Outside the Chamber these requests were treated with ridicule,\* but at the same time serious attempts were made by colonists and others interested to secure some compensation to Western Australia for the withdrawal of the convicts. Major Sanford and Mr. Mangles interviewed the Secretary of State upon the subject,\*\* but received no satisfaction beyond the assurance that the question would be considered.\*\*\*

(\*Footnote. Ibid.)

(\*\*Footnote. Correspondence relative to the discontinuance of transportation 1865 Cd. Paper 11406 pages 51 to 53.)

(\*\*\*Footnote. Ibid page 53 T.F. Elliot to Mangles 6 February 1865.)

Apart from this, the cessation of transportation appears to have come about without any great demonstration on the part of the colonists. As in the beginning opinions had been fairly evenly divided in the matter of inaugurating the system, there seemed at its close to be much the same evenness of opinion as to the wisdom of abandoning it. On the whole, perhaps the balance was in favour of the Imperial Government's action, as many of the colonists felt that they could not derive further benefit from the convicts, while the presence of them debarred the colony from a fuller voice in the management of its own affairs. In addition, public opinion on the subject of the treatment of criminals generally was undergoing a drastic change, and the report of the Convict Superintendent in 1865 shows that convict officials realised it. "Sooner or later," he says, "the industrial employment of prisoners will be abandoned in all civilised countries, and for it will be substituted a system of comparatively short sentences, to be passed in the strictest solitary confinement, on a reduced diet, without books other than the Bible and a few of the best religious works, without the possibility of communication with fellow-prisoners or friends, without any of those reliefs and consolations, whether physical, moral, or mental, which constitute the external mechanism of enjoyment, cheerfulness, and happiness to mortal man."

Though the actual transportation of convicts ceased at the beginning of 1868, years passed before the final adjustment of affairs was made between the Imperial and local authorities. One contentious matter was that of the number of free immigrants introduced at the expense of the Home Government. According to the arrangements made in 1850 the English authorities, in consideration of the colony receiving convicts, agreed to dispatch an equal number of free immigrants. For a few years preceding 1868 this supply had not been kept up, and in July of that year the Legislative Council appointed a committee to consider the question. By counting two children as one adult this committee came to the conclusion that only 6122 immigrants had been introduced as against 9721 convicts, leaving the Imperial Government still liable for a further 3599 free persons.\* The report also claimed that the dearth of farm labourers, shepherds, and domestics showed an urgent need for an immediate supply, and asked that two emigrant ships be equipped at once by the Imperial Government. The Governor forwarded the report\*\* to the Secretary of State with a recommendation, but the only reply was one practically refusing the request. The Home Government pointed out\*\*\* that the claim could not be recognised, as immigrants who ought to have been included were omitted, and the computation on the basis of STATUTE ADULTS was wrong. Apart from that the Colonial Office failed to see that there was any obligation to continue the emigration policy, which only provided that emigrants should be sent where they were required, and it was evident from the census returns that many of those sent to Western Australia failed to find sufficient inducement to remain there. Naturally this plain statement of fact on the part of the Secretary of State did not meet with approval from the colonists. In their opinion his ignorance of local conditions was deplorable, and his good faith was seriously questioned.\*\*\*\* The matter, however, rested there.

(\*Footnote. Report of Committee 21 July 1868 Inquirer 5 August 1868.)

(\*\*Footnote. Hampton to Duke of Buckingham and Chandos 13 August 1868.)

(\*\*\*Footnote. Lord Granville to Weld 26 July 1869.)

(\*\*\*\*Footnote. Herald Fremantle 23 October 1869.)

The number of men actually under control at the end of 1868 was 3158, the difference between that and the total number sent out (9721) being made up of those who had served their sentences, were out on conditional pardon, or had died. Unfortunately the sources of information are incomplete. Two fires amongst the records during the early sixties, and the official destruction of many papers and documents on the withdrawal of the convict establishment, have considerably restricted the opportunities for securing information.

The most important event in the local administration of the system was the resignation early in 1863 of Comptroller-General E.Y.W. Henderson. He had, with one short absence on leave, controlled the system from the date of its inauguration, and its success was no doubt largely due to his wisdom and tact.\* A strict disciplinarian, he was always just, and impressed upon all who had charge of convicts that they must regard them as men who, though they had transgressed man's laws, must not be regarded as necessarily forever without the pale. To Colonel Henderson more than to anyone else is due the fact that convictism has left so little mark on Western Australia, and never gave rise to those horrors, so frequent and appalling, that occurred in New South Wales and Tasmania. Captain Newland, his successor, arrived in the colony on 14 January 1863. With the system so well organised his task was not a hard one, but unfortunately continual disagreements with Governor Hampton made the position untenable,\*\* and he returned to England early in 1866.\*\*\* Pending the arrival of a successor, the Governor bestowed the acting appointment upon his son, Mr. G.E. Hampton.\*\*\*\* This gave rise to bitter controversy and opposition. Mr. Hampton had no particular qualifications for the post; straightened held more than one lucrative office; and he was personally unpopular. The general opinion was that the position should go to H.M. Lefroy; and, above all, there was the charge of nepotism on the part of the Governor involved.

(\*Footnote. Perth Gazette 6 February 1863.)

(\*\*Footnote. Hampton to Secretary Cardwell 19 October 1864, 12 April, 17 June and 9 and 19 September 1865.)

(\*\*\*Footnote. Inquirer 21 February 1866; Perth Gazette 23 February 1866.)

(\*\*\*\*Footnote. Western Australian Government Gazette 8 May 1866.)

When to those reasons is added the fact that high-handed proceedings generally on the part of the Governor had caused his early popularity to wane, the strong disapprobation of public, Press, and convicts, may be readily understood.\* This was accentuated in May by the decision of the Governor to grant his son the lodging allowance of 100 pounds per annum to which the Comptroller-General was entitled. As Mr. Hampton resided at Government House, it was not considered that he would apply the money to the purpose for which it was granted, "unless," wrote the Perth Gazette, "His Excellency intends to charge him rent for the rooms he occupies in his residence, in which case, of course, the amount will be placed to the credit of the colonial revenue under the head of Miscellaneous Receipts.\*\* That, as a result of the

feeling displayed, charges of inefficiency should be continually urged against Mr. Hampton was only to be expected. Probably many of them were the result of this, and had no basis of justification, but there is no doubt that the efficiency of the system suffered under his control and the convicts chafed more under restraint. Attempted escapes became more numerous, due partly to sending out on road-parties men who ought to have been kept in durance at Fremantle, and partly to the fact that well-behaved convicts were for trivial offences consigned to the chaingangs. During the eight months ending March 1867, over ninety attempts at escape were recorded\*\*\*--more than three times the number of any previous period of the same length.

(\*Footnote. Inquirer 2 and 9 May 1866; Perth Gazette 4 May 1866.)

(\*\*Footnote. Perth Gazette 1 June 1866.)

(\*\*\*Footnote. Ibid 22 March 1867.)

Evidence of the want of wisdom in the appointment and of inefficiency on the part of Mr. Hampton were not wanting. Accusations of tyranny and oppression were made which the perusal of the criminal records of the period seem to bear out. Further, the Board of Visiting Magistrates, the only protection against officialdom which the prisoners possessed, was abolished in March 1867, and the convicts were left without any redress from the actions of the Comptroller-General except the right of appeal to the Governor. Unfortunately this condition of affairs, which in some ways calls to mind Tasmanian methods, did not long continue. The Imperial Government reproved the Governor for making the appointment, and appointed Mr. Wakefield to the position. This officer arrived in May 1867, and assumed duty at once, making immediate inquiries into the circumstances under which special punishments had been given, and remitting many of them, at the same time greatly reducing the chaingang. The system so carefully built up by Colonel Henderson, and which had proved so successful, was, in fact, quickly reverted to, and the cause of dissatisfaction removed.

The period 1861 to 1868 was one of distinct progress as regards public works. Operations in this direction had somewhat languished during the previous couple of years, mainly on account of the fact that convicts in sufficient numbers to keep works going had not been forthcoming. It was also said by the colonists, though without reason, that Governor Kennedy was delaying the construction of necessary buildings in order to leave behind him a satisfactory credit balance. It will be remembered that as an answer to that accusation Captain Kennedy, just before leaving the colony, authorised public works to an extent which not only absorbed all the money then available, but so ear-marked prospective funds as to make the task of meeting expenses during the next couple of years somewhat hard for his successor. In fact Governor Hampton found himself not only unable to authorise new works for 1862, but had to submit measures for legalising 25,375 pounds unauthorised expenditure on the part of his predecessor.\* In refusing requests for new works, he assured the colonists that he would use every endeavour to render convict labour available for purely colonial work. To that end he increased the numbers employed upon public buildings and improved the lines of road between various centres, so that, right up to the end of the convict regime, the prisoners were employed with considerable advantage upon works of permanent value to the colony itself. Doctor Hampton proved himself in that direction a most capable administrator, and would have



received nothing but praise but for the fact that the employment of convicts meant the abandonment of private contracts, and consequently did not meet with universal approval.

(\*Footnote. Proceedings of the Legislative Council 3 June 1862 Perth Gazette 6 June 1862.)

With 1868 the convict system came to an end. Reviewing it as a whole must be admitted that from a material standpoint it conferred lasting advantages upon Western Australia. Public works were erected, lines of communication opened, and shipping facilities provided which the colonists themselves could not possibly have procured, having neither the labour nor the money. The impulse given brought about results which without convicts Western Australia could not have achieved after years of struggling. Faith in the colony was strengthened by the presence of those large sums of money which the system distributed, and general prosperity made itself felt with the wider market thus provided. From these points of view transportation was an undoubted success, and though it is not perhaps possible to say the same from a moral standpoint, the passage of time has proved that whatever moral taint existed was merely evanescent in character. The opponents of the system blamed it for every sign of moral deterioration and physical degeneracy that appeared; for the increase in drunkenness, crime, and lunacy--for, in fact, all those evils which were reputed to follow in the train of transportation. But statistics prove that the convict was little more addicted to drink than the free man; that serious crime has never been an outstanding feature of Western Australia; and that the colony was held, and still holds, a lower percentage of insane and imbecile than some of the other Australian States.\* Improvidence was certainly a marked feature in the lives of convict expirees, and raised a fear that the colony might in the long run have to pay dearly for the present help. In a measure this was true, and there are still some few receiving Government assistance. But, on the other hand, many men were reclaimed to society, and after completing their sentences became possessed of a competence and raised themselves once again to respected positions in life. Even Mr. Willoughby, who at the request of the Argus examined the conditions existing in 1864, and who could scarcely be said to look upon the system with a favourable or unprejudiced eye, admitted that a visitor saw little that was exceptional.\*\* Captain Du Cane told Earl Grey's Committee in 1863\*\*\* that even then no moral influence of an injurious character was apparent in the colony. Even if there were it was not permanent in effect, for no one else will claim that any moral deterioration exists in the Western Australia of today. Of course there does exist the fact that Western Australian history has been tainted by a convict period--and no material prosperity that ensued at the time will ever efface the stain. At that price all that accrued was dearly purchased.

(\*Footnote. Commonwealth Year Book Number 12 page 898.)

(\*\*Footnote. Transportation: the British Convict in Western Australia London 1865 page 9.)

(\*\*\*Footnote. Report of Select Committee on Transportation etc. 1863 volume 2 page 213 Q. 2710.)

## **CHAPTER 11. 1861 TO 1868 (CONTINUED). EXPLORATIONS.**

### **OPENING UP THE NORTH-WEST.**

#### **TRADE AND INDUSTRY.**

#### **NATIVE TROUBLES.**

#### **AGITATION FOR REPRESENTATIVE GOVERNMENT.**

Perhaps the most important phase in the history of Western Australia during the sixties was the attention paid to exploration, more particularly of that portion of the territory lying northward of Geraldton to which the term The North-West is popularly applied. Beyond the surveys of King and the incidental notices of earlier navigators, little was known of that part of the colony, and it was therefore inevitable that the desire, apparently inherent in the British, to explore the unknown--generally in the hope of material profit--should find vent in that direction.

In 1860 F.T. Gregory, then in London, secured through the Royal Geographical Society the approval of the Colonial Office to a proposal for the exploration of the northern part of the colony, 2000 pounds of the expense to be borne by the Imperial Government and the remainder, estimated at another 2000 pounds, by the colony.\* Upon his return in January 1861 Gregory applied to the local Government for a grant towards the cost of the expedition. He pointed out that it was their intention to land in Nickol Bay and explore the country inland from that point; that arrangements had been made for the personnel of the expedition and the supply of horses, and that he himself was devoting 250 pounds towards the expenses. The amount required from the Government was 1350 pounds, and this amount was voted by the Legislative Council.\*\*

(\*Footnote. Under Secretary Fortescue to Kennedy 26 October 1860 with enclosure from Royal Geographical Society 24 August 1860.)

(\*\*Footnote. Proceedings of the Legislative Council 16 January 1861 Perth Gazette 25 January 1861.)

Arrangements having been made, the party, which consisted of F.T. Gregory (leader) J. Turner (second in command) E. Brockman, W.S. Hall, J. McCourt, and A. James, sailed on 23 April 1861, in the barque Dolphin, for Nickol Bay. At Champion Bay they were joined by Maitland Brown, P. Walcott, and J. Harding. From Gregory's journal\* we learn that he landed near the mouth of the Maitland River, and followed the river to its rise in the ranges. Crossing the watershed he turned southwards, proceeding until he reached the Fortescue River, a few miles below Millstream, a district marked by rough and precipitous ranges. Still continuing to the south, he crossed the Hamersley Range and followed the Hardey River to its junction with the Ashburton, and from that position he sighted Mount Augustus and the Lyons, which he had visited on a previous trip up the Gascoyne. Retracing his steps up the Ashburton, he noted the excellent pastoral country on Baring Downs, and then turned eastward back through the Hamersley Range, crossing the headwaters of Yule and Shaw Rivers, now known as the Nullagine. This he traced to its junction with the Oakover, which, in turn, he followed to its source near Mount McPherson. In this waterless territory he got into difficulties, and but for the superior powers of

endurance of Maitland Brown would probably have perished of thirst. On his return to the coast Gregory marked on the plan the fine areas of pastoral country on the De Grey and lower Yule, the broad Sherlock Plains, and that fine stretch of volcanic country between the Sherlock and Roebourne on the Harding River, and also further west across the Nickol to the Maitland River. Then, after a trip of six months, as the weather was getting hot and the water scarce, he returned to Fremantle, arriving there about the middle of November. Gregory had thus explored practically the whole stretch of country unfavourably commented upon by King and Stokes, and so far from finding it hopelessly barren proved it to be capable of great development. The rivers Ashburton, Fortescue, De Grey, and Oakover were fresh, and carried fish far inland; excellent land was discovered, of which over 2 million acres were suitable for grazing purposes and 200,000 for tropical agriculture;\*\* in addition, numbers of pearls and many tons of pearl shell were secured from the neighbourhood of Nickol Bay.\*\*\*

(\*Footnote. Gregory, Sir A.C. and F.T. Journals of Australian Explorations pages 52 et seq.)

(\*\*Footnote. Ibid page 296.)

(\*\*\*Footnote. Ibid.)

The report attracted considerable attention, not only from the leading settlers in the colony itself, but from many squatters in Victoria and South Australia, who, like all colonists of the eastern states, had previously looked upon Western Australia as for the most part a barren desert, with here and there patches of fair arable and pastoral land.\*

(\*Footnote. Perth Gazette 14 February 1862.)

The pioneer of settlement was Walter Padbury.\* He secured from Gregory a definite expression of opinion to the effect that the north-west was a stony country not so fertile as Queensland, but far beyond the average in the settled districts of Western Australia, and afforded a fair prospect of success to judicious settlers. Convinced that the country was at least worth a trial, Padbury applied to the Government for special concessions. This application directed the attention of the authorities to the necessity for special land regulations, which were accordingly prepared,\*\* and with the approval of the Secretary of State\*\*\* came into operation at the beginning of 1863.\*\*\*\* These applied to two districts termed respectively the North and the East. The North district comprised all that part of the colony lying north of the Murchison River and of a line drawn due east to the boundary through the summit of Mount Murchison. The East district was comprised of the country lying east of the meridian 121 degrees east longitude and south of latitude 30 degrees south. The lands were divided into two classes. Class A included the islands off the coast and all mainland within two miles of the sea, while class C comprised the remainder. Class A land could be held only on annual licence, but land in class C could be secured on pastoral lease for eight years. In order to encourage settlement, the Government offered to persons desiring to settle in these districts free pasturage for twelve months. During this time they could select land to the extent of 100,000 acres which they were allowed to occupy free of rent for a further three years, and after that under the ordinary conditions for an additional eight years. A further concession was made in July 1864,\*\*\*\*\* when a remission of rent on 100,000 acres was offered to the first

person who drove stock from any part of Western Australia (not within the northern district) to any other part situated to the north of the Tropic of Capricorn. The object of this was to establish, if possible, an overland route between the settled districts in the south-west and the newly-opened northern areas.

(\*Footnote. Inquirer 8 April 1863.)

(\*\*Footnote. Hampton to Duke of Newcastle 19 July 1862.)

(\*\*\*Footnote. Duke of Newcastle to Hampton 20 October 1862.)

(\*\*\*\*Footnote. Western Australian Government Gazette 23 December 1862.)

(\*\*\*\*\*Footnote. Ibid 26 July 1864.)

So far the regulations had dealt only with leaseholds, but in January 1865\* a new set was issued dealing with the sale, letting, disposal, and occupation of waste Crown lands within the northern district, and also for the sale and letting of mineral lands generally, auriferous land and coal measures being excepted. Under these regulations the first 150,000 acres selected were to be sold at a price of 7 shillings per acre, but if not purchased within twelve months then the price was to be raised to 10 shillings per acre or whatever happened to be the minimum price established in the colony generally. Applications for country lands had to be for 80 acres or some multiple thereof, and purchasers of 160 acres or more could obtain a town allotment of half an acre at the same price. The most pertinent clause in the whole regulations was the following: "No convict or person holding a ticket-of-leave, or person under sentence or order of transportation or of penal servitude, shall be introduced or allowed to remain within the northern portion of the territory of Western Australia to which these regulations apply."\*\* This was included by direction of the Secretary of State, in spite of the opinion of Governor Hampton, at the request of settlers both in Western Australia and the eastern colonies.\*\*\* Lands deemed to be mineral lands, those bearing gold or coal excepted, were offered at 3 pounds per acre in lots of not less than 80 acres. They could also be secured on yearly licence at a fee of not less than 8 pounds, or on lease for periods up to ten at a rental of 8 shillings per acre.

(\*Footnote. Western Australian Government Gazette 20 January 1865.)

(\*\*Footnote. Regulations section 26.)

(\*\*\*Footnote. Hampton to Secretary Cardwell 24 June 1864; Murdoch (Emigration Board) to T.F. Elliot 2 November 1864; Secretary Cardwell to Hampton 26 November 1864. These are printed in Cd. Paper 11406 1865. Correspondence relative to the discontinuance of transportation.)

While on the subject of land regulations it may be mentioned that the regulations affecting the colony generally were subjected to revision about this time. It was felt that those framed in 1860 had not proved entirely satisfactory, and required some alteration. The question was remitted by the Legislative Council in August 1863 to a committee, which reported in the following month. The recommendations were, shortly,\* that mineral lands should be sold at a minimum of 5 pounds per acre in blocks of not less than 80 acres, 1 pound per acre of the purchase money to be paid on approval and the balance in annual instalments of 1 pound per acre; that in regard to general land conditions, owners of fee-simple grants should be allowed free pasturage for stock over the surrounding waste lands to the extent of one head for every ten

acres; that at the expiration of the lease of class B land, the lessee should have a preferential claim to a renewal. These suggested amendments were forwarded to the Secretary of State for his consideration, and, in the meantime, the agricultural societies were asked to express their opinions. The principal suggestions from these\*\* were a right of renewal for a further eight years of expiring leases of class B land, and a readjustment of the boundaries of the lands comprised in class A. They also asked that mineral lands should be leased at 2 shillings per acre for the first year and 3 shillings afterwards, with a right of purchase in 100 acre blocks at the end of two years for 2 pounds per acre. Ultimately the suggestions of the committee were in the main adopted by the Government, and the new regulations, approved by the Secretary of State, were gazetted in August 1864.\*\*\* As regards mineral lands they were the same as those mentioned above, which were adopted in 1865 for the northern areas.

(\*Footnote. Inquirer 30 September 1863.)

(\*\*Footnote. Perth Gazette 15 January 1864.)

(\*\*\*Footnote. Western Australian Government Gazette 24 August 1864.)

But to return to the settlement of the North-West. With characteristic foresight, anticipating favourable concessions in the regulations, W. Padbury procured stock from the east toward the end of 1862 and made full arrangements to enter upon the task of pioneering in the new district. Early in 1863 he purchased a small vessel, the *Mystery*, to maintain communication between Fremantle and Nickol Bay, and also chartered the *Tien-Tsin* to convey his party and the stock to their destination.\* The *Mystery*, with C.C. Hunt and J. Turner on board, left Fremantle on 4 April\*\* and proceeded slowly up the coast, taking soundings in various harbours as they went. The *Tien-Tsin* followed on the 24th, with Padbury, Samson, Ridley, McCourt, Nairn, Brown, Jones, Swift, and five natives, and carrying the consignment of stock--11 horses, 6 bullocks, and 540 sheep.\*\*\* Hunt and Turner, having found that the mouth of the De Grey did not provide a suitable landing-place for stock, selected one to the west of the De Grey and named it *Tien-Tsin Harbour*. The animals having been safely landed, the surrounding district was searched without success for satisfactory pasturage. Padbury then, with Captain Jarman, and Samson, Turner, and Nairn, proceeded down the Harding, and leaving the party there returned to Fremantle in the *Tien-Tsin*.\*\*\*\*

(\*Footnote. Inquirer 8 April 1863.)

(\*\*Footnote. Ibid.)

(\*\*\*Footnote. Inquirer 29 April 1863.)

(\*\*\*\*Footnote. Ibid 3 June 1863 report by Padbury; Perth Gazette 29 May.)

The vessel sailed again for Nickol Bay with further stock in June. This was under the care of McCourt, who proceeded to look for the first party.\* After some time it was found that they had moved to the De Grey River and established a settlement there.\*\* The next squatter to settle in the north was J. Wellard, who was accompanied by S. Hall, H. Logue, W. Scott, and others.\*\*\* In May 1863, K. Brown, S. Hamersley, A. Brown, B. Clarkson, F. Pearce, and Dr. Martin chartered the *Flying Foam* and left Fremantle for Camden Harbour and the Glenelg. They sailed up the river as far as the rapids--about twenty-eight miles--and there landed the stores and equipment. In July K. Brown, Clarkson, and Dr. Martin, with five horses, set out for Camden Harbour,

which they reached without difficulty. The country traversed was, they reported, a very fine one, with abundance of grass and water. Later in the month a second party went farther up the river in boats. They experienced some trouble with the natives, and had to use their firearms to scare them away. This was the country which Grey had reported as among the finest in the world, with grass so high that he could not see over it. The later explorers not only confirmed the opinion expressed by Grey, but considered he had not done justice to the luxuriance of the grass.\*\*\*\*

(\*Footnote. Ibid 24 June and 1 July 1863.)

(\*\*Footnote. Ibid 23 September 1863.)

(\*\*\*Footnote. Ibid 12 August 1863.)

(\*\*\*\*Footnote. Ibid 2 September 1863 report of expedition.)

Ridley, one of the original party which accompanied the Padbury, was a Government surveyor, charged with the duty of making a full report to the Government. This report was couched in such favourable language\* that it led to other attempts to find good squatting areas in the north.

(\*Footnote. Inquirer 30 September 1863 containing Ridley's report dated 21 September 1863.)

In September 1863 C. von Bibra selected a large tract of land on the Gascoyne River,\* and by the end of the year there were three runs of 100,000 acres each being stocked in the newly opened areas. In January 1864 a squatter from Victoria applied for a lease of Dirk Hartog Island,\*\* which was said to contain over 200,000 acres of good feeding ground with excellent water. Maitland Brown, about the same time, proceeded to Shark Bay and established a station in the neighbourhood of Freycinet Harbour.\*\*\* In March,\*\*\*\* Withnall sailed for Nickol Bay in the Sea Ripple with 650 sheep, 5 horses, and 2 cows, and took up a further large area, while a month or two later the Burges brothers tried the district round Exmouth Gulf. This proving barren, they moved on to the Gascoyne River.\*\*\*\*\* Thus not only was extensive settlement proceeding along the north-west coast, but it was being established in such a manner as to provide links of communication with the older settled districts and make an overland route practicable.

(\*Footnote. Ibid 23 September 1863.)

(\*\*Footnote. Ibid 27 January 1864.)

(\*\*\*Footnote. Ibid.)

(\*\*\*\*Footnote. Ibid 30 March 1864.)

(\*\*\*\*\*Footnote. Ibid 22 June 1864.)

The efforts of Padbury, Wellard, and Withnall were by this time showing signs of success, and the arrival at Fremantle in August 1864\* of the first wool-clip--seven bales--had the effect of establishing confidence in the possibilities of the territory. Unfortunately, carried away by the desire to become rich quickly and with little exertion, and dazzled by the Government's liberal land regulations, many others made attempts to settle, but without the success that attended the endeavours of the hardier and more experienced men.

(\*Footnote. Ibid 17 August 1864.)

Another expedition went to Exmouth Gulf and Camden Harbour in 1864 as the result of a tale circulated by a convict named Wildman.\* This man, who at one time had been a ship's officer, stated that while repairing his ship near Camden Harbour in 1856 he had made a trip up a river and there secured gold to the value of 416 pounds, which he had afterwards sold in Liverpool. He offered to disclose the locality provided the Government would, when the story was confirmed, remit the sentence of fifteen years which he was then undergoing. The mere mention of gold was sufficient to rouse public excitement, and an expedition was rapidly equipped to test Wildman's story. To this the Government, after, it is said, testing the truth of the story as regards selling the gold, contributed 150 pounds. Dr. Martin was commissioned to act as Surveyor and Botanist, and the leadership was given to the Inspector of Police, Panter, who took with him Turner, Stokes, Langoulant, F. and H. Caporn, Scott, and Du Boulay, as well as Wildman and a couple of natives.\*\* As might have been expected under the circumstances, no trace of gold was discovered. Wildman either could not or would not divulge the locality where he had previously found it, and independent search by the party proved unsuccessful. In other respects, however, the trip was not without result. The surrounding country was carefully inspected, and on the way back Panter called at Roebuck Bay and made further explorations. In his report he spoke very favourably of that country, pointing out that there were thousands of acres of excellent pasturage, and that water was easily obtainable at a depth of a few feet.\*\*\* Dr. Martin was even more explicit and pronounced. Vegetation, he said, was luxuriant; animals, birds, and fish abundant; pearl oysters plentiful; and, above all, millions of acres of good pastoral country were available.\*\*\*\*

(\*Footnote. Ibid 27 January 1864.)

(\*\*Footnote. Inquirer 2 March 1864.)

(\*\*\*Footnote. Ibid 8 June 1864. See also issue of 15 June.)

(\*\*\*\*Footnote. Ibid 22 June 1864 Dr. Martin's report.)

The outcome of these reports was the formation of the Roebuck Bay Pastoral and Agricultural Association,\* which sent forward a party with stock to Roebuck Bay, where a suitable location was secured, and additional stock procured from Fremantle. After its arrival the party decided to go farther afield in the hope of discovering additional pastoral country, and on 9 November 1864, Panter, Harding, and Goldwyer, members of the party, left camp with the object of exploring the country toward Lagrange Bay. They had provisions sufficient for about three weeks, and when that time passed without their return Burges became somewhat anxious for their safety. He tracked them as far as a mangrove swamp in Lagrange Bay, but there lost all trace of them. When the Nile left Roebuck Bay early in January 1865, they were still missing.\*\* When the news was received in Perth a search-party was immediately organised by the Government, and instructions given to the leader (Maitland Brown) to search thoroughly the whole country between Roebuck Bay and Padbury's location on the De Grey.\*\*\* The party, which, in addition to the leader, comprised Burges, Francisco, Williams, D. Brown, and two native policemen, left at once in the Clarence packet, and on arrival at Roebuck Bay plunged straightway into the bush. In a little while they learnt from some natives that three white men and four horses had

been seen some three months before by the Wagnarry tribe at the River Boola Boola. The informers went on to say that the white men slept by the river and on the next day were attacked by natives, whom they succeeded in repulsing without injury to themselves. The following night the blacks, in stronger force, made another attack, in the course of which the whites were wounded, though not seriously, but over a dozen of their adversaries were killed. Knowing that Panter and his companions were wounded, the natives appeared with further reinforcements soon after daybreak, and by overwhelming force of numbers speared and clubbed the unfortunate white men to death. As the same story was told by other natives, two of them were seized and ordered to conduct the search-party to the scene. After leading the party astray they attempted to escape, and were shot by the native policemen. Finally, Brown was rewarded by finding the bodies at Lake Ingedana, in Lagrange Bay. Nothing had been stolen, showing the act to have been one of brutal murder to satisfy the savage lust for blood. From Panter's diary it was evident that they were killed on 13 November, only four days after leaving the settlement. While returning with the bodies, Brown's party was followed by large numbers of natives, and on one occasion had to fight its way through an ambush--with disastrous results to the blacks.\*\*\*\* This tragedy does not seem to have deterred settlement to any considerable extent.

(\*Footnote. Ibid 3 August 1864 prospectus.)

(\*\*Footnote. Perth Gazette 10 February 1865 extract from journal of L.C. Burges.)

(\*\*\*Footnote. Ibid 10 and 17 February 1865.)

(\*\*\*\*Footnote. Perth Gazette 12 May 1865.)

An exhaustive pamphlet on the resources of the district, prepared by the Surveyor-General (Captain J.S. Roe) probably had some influence in directing attention to the North-West.\* Settlers from Victoria and South Australia determined to try their fortunes there. The Camden Harbour Pastoral Association Limited was formed in Melbourne with a capital of 20,000 pounds.\*\* The object of the association was "to settle the very superior well-watered pastoral and agricultural country round Camden Harbour by placing one head of cattle on every 1000 acres." With the 20,000 pounds the promoters expected to secure 4 million acres of land and 4000 breeding cattle to stock it. Each share entitled the holder to a passage to Camden Harbour, rations for twelve months, a lease of 20,000 acres for twelve years (the first four rent free) and twenty head of cattle. The Company claimed to have a preemptive right over the area leased.\*\*\* This, of course, was a deliberate misstatement, as the land regulations gave no privilege of the kind. The promoters were evidently of opinion that a prospectus should be glowing rather than truthful. The Secretary further stated to a meeting of those interested that settlers could go back 270 miles from the coast, forty miles of which was on the sea side of the ranges.\*\*\*\* The existence of mountainous country close to the coast was quietly ignored. Probably the directors thought that anyone going there could find out such small matters for himself. That public interest throughout Australia was roused is shown by the fact that by the end of 1864 seventy-three applications had been made by Victorians for land in the Camden Harbour district. Each applicant required 100,000 acres and promised to place from 40 to 150 sheep upon it. It is a pity that so much enthusiasm should have been wasted on a movement doomed to failure.



(\*Footnote. This pamphlet was published at Perth in 1864 and the gist of it is given in the Inquirer 31 August 1864.)

(\*\*Footnote. Inquirer 20 July 1864 prospectus.)

(\*\*\*Footnote. Ibid.)

(\*\*\*\*Footnote. Melbourne Herald 29 July 1864.)

The first shareholders in the association left Melbourne in November 1864, and arrived at Camden Harbour in the following month, the most forbidding time of the year. All the country round was parched and burnt; the tall, waving grass had disappeared, water was almost unobtainable, and a fierce sun beat down upon them with a most intense heat. Being young and sturdy, they set about improving their position at once. Some of them struck out for the Glenelg, and were surprised, and not a little disappointed, to find that it was a tidal river. On the way back they were fortunate enough to discover a small pool of fresh water, and on arrival at the Harbour learnt that an excellent spring had been discovered.\*

(\*Footnote. Inquirer 26 April 1865 report from R.J. Sholl Government Resident dated 17 March 1865.)

By the end of December two other vessels with a large number of settlers and some 4000 head of stock put in an appearance. The only pasturage was that round Murray's spring, and was totally insufficient. Added to the scarcity of water, some disease occurred among the stock. The sheep died in hundreds from some unknown cause, possibly an unrecorded poison weed. To save the remnant a move was made farther inland to good dry grass and abundant water. The tropical rains, too, made their appearance, and luxuriant grass sprang up like magic. Nothing, however, seemed to lessen the increasing mortality among the sheep. Hooley and others explored toward the north-east along Prince Regent's River, but could not find a more suitable location. While grass was abundant and the scenery majestic, the locality was altogether too rough for pastoral purposes. By the end of March little more than one-fourth of their stock was alive.\*

(\*Footnote. Ibid.)

Other causes, too, combined to make the men dispirited and to bring about total failure of the attempt at settlement. Three died within a few days of their arrival. One of the ships, the Calliance, struck a reef on the way to Camden Harbour, and was only saved with difficulty. When she arrived at her destination the wind drove her onto another reef, and she became a total wreck, the captain losing his life in an attempt to secure assistance. In face of all these hardships it is no wonder that many of the settlers took the first opportunity to leave the district. During January and February seventy-two departed, and many of the others remained only till they could manage to get away.\*

(\*Footnote. Inquirer 26 April 1865 R.J. Sholl's report of 17 March 1865.)

The possibility of a permanent settlement being effected induced Governor Hampton to appoint various officials to exercise control within its confines.\* R.J. Sholl was appointed Resident Magistrate, with his son as clerk; and, in addition, a surveyor, a

surgeon, a customs officer, and three policemen. Sholl reached his sphere of duty early in 1865, and his report of the condition of affairs was anything but complimentary to the Camden Harbour Association. The members of the Association who were on the spot were, he considered, a good type of individual, but they lacked all knowledge of bushcraft and of management. There was no leader, no arrangement of the stores or settlement, with the result that every man was doing as he pleased, and the provisions were left lying on the beach at the mercy of the sun, wind, and tides. The sheep which might have been saved were neglected through ignorance, and no attempt made to shield them from the tropical heat or the tropical rains. As to the country itself, Sholl considered it to be very deceptive; while it appeared to be excellently grassed and in every way suitable for pastoral purposes, it really consisted of a series of rocky knolls, so covered with verdure that the stony nature was hidden. The great extent of fertile country seen from Mount Lookover, he said, "consisted mainly of grass-covered stones."\*

(\*Footnote. Inquirer 26 April 1865 R.J. Sholl's report 26 April 1865.)

Convinced that the venture had no chance of succeeding, the Governor instructed the Resident Magistrate to assist those remaining to get away if they could not provide funds for their own passages.\* In this way numbers were removed to Fremantle or eastern ports. Some, however, desirous of making further efforts, petitioned for permission to exchange their land for selections in the Nickol Bay district, and as a result something like 300,000 acres of additional country was added to that already selected in this area.\*\*

(\*Footnote. Ibid 3 May 1865.)

(\*Footnote. Ibid 10 May 1865.)

So much for the fortunes of the Camden Harbour Pastoral Association. A failure from the very start, it had ceased to exist in May 1865,\* though it was not finally abandoned by the Government Resident until the following October. Within a year it had ruined most of those who had embarked upon it, had been responsible for the deaths of several, and had cost the Western Australian government over 5000 pounds.

(\*Footnote. Inquirer 26 July 1865 R.J. Sholl's report 20 May 1865.)

Being practically freed from official duties, Sholl employed the time between May and October in exploring the district. During April he made a trip to the south of the Glenelg, finding the country to be mostly of a rocky nature, with precipitous hills, but with grass everywhere, and here and there indications of gold. His progress was stopped by the Leopold Ranges. Soon after his return to the camp the Harbour was visited by a fleet of Malay proas and canoes, containing about 300 men. The visit apparently was for the purpose of securing natives as slaves.\*

(\*Footnote. Ibid.)

Satisfied that nothing further was to be gained by staying at Camden Harbour, Sholl abandoned it on October 29\* and sailed with all his party for Port Walcott, Nickol Bay, in the Kestrel. On his way he stopped for a few days at Roebuck Bay, and sent Cowle, the Assistant Surveyor, with some of the party, to proceed overland to Port

Walcott. On his arrival there Cowle reported that for the most part the country was well grassed and suitable for pastoral purposes.

(\*Footnote. Perth Gazette 12 January 1866 supplement Sholl's report 2 December 1865.)

Another association, formed shortly after the Camden Harbour venture, met with the same fate. The Denison Plains Association,\* established in Melbourne in 1865, proposed to land settlers on the headwaters of the Victoria River and send them forward to Denison Plains. Neither the promoters nor shareholders seem to have had any definite idea of the exact position of Denison Plains or of the class of country comprised in them, so that the failure of the venture is not to be wondered at. To break up their homes, spend large sums of money in stock and equipment, and sail for an unknown territory, are not qualifications that give evidence of the foresight necessary in those who would be successful pioneers. The first band of prospective settlers, headed by C.E. Broadhurst, left Melbourne by the Warrior, and arrived at Fremantle early in May 1865. During the stay of the vessel at that port the members of the party were informed by the Governor of the failure of the Camden Harbour project, and advised to proceed with very great caution.\*\* On the way up the coast they stopped at Nickol Bay and obtained land in that locality. Various trips inland, west of Roebourne and along the Fortescue and Ashburton Rivers, were made, principally under the leadership of H.W. Venn, in the hope of discovering satisfactory pastoral country. The party never reached Denison Plains. Those who were competent and saw a chance of success in the North-West were not prepared to be bound by cooperative conditions, whilst those who saw nothing but failure in front of them had only one desire--to get back to the eastern colonies as quickly as possible. The association was wound up early in the following year, and the stock divided among the creditors.\*\*\*

(\*Footnote. Ibid 20 January 1865.)

(\*\*Footnote. Inquirer 10 May 1865.)

(\*\*\*Footnote. Report to R.J. Sholl 21 April 1866 Inquirer 16 May 1866.)

In spite of the want of success of these large undertakings, individual settlers were establishing themselves in various parts of the North-West and were proving that it was possible to achieve good results. These settlers gradually extended the knowledge of the North-West generally, so that by the end of 1865 the initial stages may be said to have been passed and the prospects of an extensive pastoral settlement assured. According to the official statistics nearly 3 million acres were held under lease at the beginning of 1866, and these were stocked with 16,000 sheep, 300 cattle and 120 horses.\*

(\*Footnote. Western Australian Blue Book 1865 pages 234 and 246.)

Settlement was further assisted by E.T. Hooley's success in opening up an overland route from Geraldton to Nickol Bay about the middle of 1866.\* Starting out with nearly 2000 sheep, he arrived with a loss of only eight, proving that there was excellent food and water on the way, and that stock could be transported by land both more cheaply and with greater safety than by sea.

(\*Footnote. Perth Gazette 14 December 1866.)

Permanent settlement being assured, it was determined to form a township near Port Walcott, and in 1866 the site of Roebourne\*--named after the Surveyor-General--was surveyed, the first town lots being sold on 3 September at an upset price of 5 pounds each.

(\*Footnote. Western Australian Government Gazette 21 August 1866.)

Owing to various circumstances the progress of the district was greatly hindered during 1867. Far away from Perth, the settlers had to depend for provisions mainly upon the small vessels that traded up and down the coast. Through various causes several of these were wrecked, with the result that the new community was brought within the reach of starvation.\* The famine was averted by the action of Charles Harper, who led a small party overland to Champion Bay under circumstances of great difficulty.\*\* The Flying Foam was dispatched at once from Fremantle,\*\*\* and arrived at Roebourne not a moment too soon. As the result of these difficulties, selections aggregating over 1 million acres were abandoned in 1867, but over 2 million were taken up afresh, making the total under leasehold at the end of that year 5,805,000 acres,\*\*\*\* and at the end of 1868 the total stock had increased to nearly 40,000.\*\*\*\*\*

(\*Footnote. Perth Gazette 12 July 1867.)

(\*\*Footnote. Ibid.)

(\*\*\*Footnote. Ibid 26 July 1867.)

(\*\*\*\*Footnote. Western Australian Blue Book 1867 page 258.)

(\*\*\*\*\*Footnote. Ibid 1868 page 266.)

Concurrently with the exploration and settlement of the North-West, renewed activity was shown in examining and opening up the country to the east and south-east of the settled districts round York. Between 1861 and 1868 much of the country far inland was explored, but little of it was brought into use, as there seemed to be a general opinion that settlement was impossible without wells, as surface water was not obtainable. Of these various explorations, those by C.C. Hunt in 1864 and 1866 had perhaps the greatest bearing upon the development of the colony. In the latter year Hunt succeeded in reaching the area now known as the Hampton Plains,\* his main object being to cut a track and sink wells so as to make land available for pastoralists. No use was made of this track at the time, but thirty years later it was used by the prospectors who discovered the Yilgarn and Coolgardie goldfields. Meanwhile settlement was also extending rapidly in the explored south-western and eastern districts. During the eight years under review the area under licence and lease almost doubled, something over 11 million\*\* acres having been taken up by the end of 1868.

(\*Footnote. Inquirer 21 November 1866 and following issues.)

(\*\*Footnote. Western Australian Blue Book 1868 page 278.)

The expansion of the colony during this period was not limited to exploration. Trade and industry showed signs of distinct revival, and, with the cheap labour available, every phase of development gave evidence of renewed vigour. The report of

Gregory's explorations of the north-west coast in 1861 directed attention to pearling and the pearl-shell industry, but no success was attained for some years. The export of shell to the value of 556 pounds in 1867 was sufficient, however, to prove that the work was worth taking up seriously, and in 1868 some ten boats were employed, the divers being principally natives--many of them women. The results were beyond expectation, the value of pearls and shell reaching in that year the respectable total of 5554 pounds.\*

(\*Footnote. Statistical Summary Appendix 4.)

Wool, of course, continued to be the staple export. In the eight years the export totalled 620,330 pounds, that for 1868 being 98,254 pounds as against 54,297 pounds in 1861. The number of sheep had increased from 260,000 to 600,000. The trade in sandalwood was equally lucrative, maintaining throughout these years an average export value of over 20,000 pounds annually, and rising in 1868 to nearly 26,045 pounds. The same could not be said of timber generally. The value of jarrah and karri sent away, which represented 2497 pounds in 1861 and rose in 1865 to 15,693 pounds, had by 1868 declined to 638 pounds.\* The market for such woods does not seem to have been extensive at that time, though the amount exported is no criterion of the amount of output, a great deal being used locally on the various public works. Agriculture also expanded to a considerable extent. The 27,018 acres under crop in 1861 had extended to 50,014 in 1868, while flour and grain, which in 1861 were only sufficient for local needs, became by the end of 1868 very appreciable items in the export trade, representing in the latter year a total of 21,367 pounds.\*\*

(\*Footnote. Ibid.)

(\*\*Footnote. Ibid.)

The Champion Bay lead and copper mines were also responsible for a considerable part of the colonial trade, though the increased cost of production and the distance from the markets of the world were rapidly reducing them below the level of paying industries. Copper showed a distinct falling-off from 1864, but lead increased very decidedly, the two together being valued for export in 1868 at 14,451 pounds.\* Other products, such as whalebone and oil, gum, wine, and raisins, also figured on the list of exports, but not to any great extent.

(\*Footnote. Statistical Summary Appendix 4.)

The actual state of the colony and the expansion that had taken place may be seen from a comparison of the figures representing the first and last years of the period under review: Exports 95,789 and 192,636 pounds; imports 147,913 and 225,614 pounds; income of colony, 67,261 and 99,496 pounds; expenditure 81,087 and 89,726 pounds. In 1868 the colony was free from public debt.\*

(\*Footnote. Ibid.)

Attempts were made about this time, principally by the York Agricultural Society, to encourage the cultivation of cotton and tobacco,\* but neither seem to have gone beyond the experimental stage, though there was an attempt to form in London a Western Australian Cotton Company with a capital of 20,000 pounds.\*\*

(\*Footnote. Perth Gazette 2 August 1861.)

(\*\*Footnote. Inquirer 15 October and 31 December 1862.)

Interest still continued to be displayed in the search for gold. In 1861 parties prospected over the Darling Ranges, and got indications,\* but not sufficient to justify actual mining. Inspector Panter, after scouring the district around Northam, returned to that town in December with specimens.\*\* On the strength of these the Government offered a reward of five thousand pounds to the discoverer of a payable goldfield within 150 miles of Perth, the condition being that 5000 ounces should be secured before 1 July 1863.\*\*\* Needless to say, the reward was not paid. Being of the opinion that the country was worth testing, the Government engaged E.H. Hargraves in 1862\*\*\*\* to prospect for a period of six months. He reported unfavourably, being of opinion that gold in any quantity would never be found in the colony.\*\*\*\*\* A little over thirty years later this "barren" territory was recognised as one of the greatest gold-producing countries of the world!

(\*Footnote. Ibid 24 July, 7 August and 13 November 1861.)

(\*\*Footnote. Ibid 11 December 1861.)

(\*\*\*Footnote. Western Australian Government Gazette 11 February 1862.)

(\*\*\*\*Footnote. Perth Gazette 16 May 1862 letter from Hargraves to government offering services on certain terms and 6 June 1862 Proceedings of the Legislative Council 3 June 1862 accepting offer.)

(\*\*\*\*\*Footnote. Perth Gazette 27 March 1863 copy of report.)

The agitation for representative government, which had of necessity lain dormant during the convict period, was revived when it became known that transportation would cease altogether in 1868. The Secretary of State, it will be remembered, had before 1850 stated that Western Australia would be able to secure some form of elective representation as soon as the colonists were prepared to do without a parliamentary grant, in other words as soon as the local revenue was sufficient to meet all the colonial expenses. The Imperial Act of 1850 (13 and 14 Victoria c.59) for the better government of the Australian colonies provided that when that stage had arrived the existing Legislative Council could, on a petition from one-third of the householders of the colony, pass an ordinance establishing a new Legislative Council, one-third of whose members should be nominated and the other two-thirds elected. Simultaneously with the passing of the Act, however, came the establishment of the convict system in Western Australia. This, the Secretary of State pointed out, made it impossible for the Imperial authorities to agree to any form of representation, as the bulk of the expenses of the colony, under the circumstances, would of necessity fall upon the Home Government.

This difficulty being removed by the decision to stop sending out convicts, a public meeting under the chairmanship of the Sheriff was held in Perth on 21 February 1865,\* and a committee was appointed at that meeting to draft a petition for presentation through the Governor to the Legislative Council.\*\* On being presented, the petition, which contained 1303 signatures, was referred to a committee consisting of the Colonial Secretary, Commandant, Attorney-General, and L. Samson, to examine the signatures, call witnesses, and report to the Council.\*\*\* In the course of examination the number of signatures was reduced to 898, the others being struck out

as those of persons unknown, convicts, or non-householders. As this total was still in excess of the one-third householders required by the Act, the committee reported that the petition was in form and fulfilled the necessary requirements.\*\*\*\*

(\*Footnote. Inquirer 22 February 1865.)

(\*\*Footnote. Ibid.)

(\*\*\*Footnote. Proceedings of the Legislative Council 29 June 1865 Inquirer 5 July 1865.)

(\*\*\*\*Footnote. Proceedings of the Legislative Council 18 August 1865 Report of Committee in Inquirer 23 August 1865.)

The members of the Council, while not prepared to concede the full request of the petitioners, were prepared to do something toward introducing a popular element. An amendment to the petition was therefore carried, the effect of which was to add two additional non-official members to the existing four and to reduce the term of office of the whole six to three years.\* This amendment, which really negated the petition, was a severe blow to the progressive party, and objections were raised against the Council's action. Samson, in a formal protest, asserted that the fulfilment of the conditions laid down in the Imperial Act made it obligatory on the part of the Council to agree. The Attorney-General, however, ruled that the Council had discretionary power.\*\*

(\*Footnote. Ibid Inquirer 23 August 1865.)

(\*\*Footnote. Ibid.)

Public opinion seems at this stage to have been divided upon the matter, though on the whole there was a leaning toward representation. A second petition circulated in September with the object of supporting the amendment, while approving the appointment of six non-official members, finished by declaring that an election by the people would be preferable.\*

(\*Footnote. Ibid.)

As in all progressive movements, the temporary reverse, especially as it was brought about by official action, only served to fan the flame. Meetings were held and resolutions carried protesting against the rejection of the final petition, so that by the following year a certain degree of enthusiasm in favour of representative government existed.

The Governor (Dr. Hampton) carefully refrained from any expression of opinion while the subject was under discussion in the Council, but in reporting to the Secretary of State\* he stated that he had reason to believe that the majority of the colonists would vote against the requests contained in the petition. By the middle of August, however, his view seems to have undergone some change, as in a further dispatch\*\* he informed the Secretary of State that he was convinced it would be impossible to arrest the movement unless some concession was made. By December he had veered round still farther and wrote, when forwarding the original petition:\*\*\* "Such a change, to me, seems to be very immaterial, seeing that to whatever extent I might be allowed any voice in the matter, I should endeavour to nominate the persons

most acceptable to the free inhabitants generally and fairly representing every interest throughout the colony--a very difficult task which I would gladly see delegated to the electors."

(\*Footnote. Hampton to Cardwell 21 July 1865.)

(\*\*Footnote. Hampton to Cardwell 22 August 1865.)

(\*\*\*Footnote. Ibid 21 December 1865.)

Some delay in attending to all this correspondence seems to have occurred in the Colonial Office. It was not until September 1867 that a reply was received from the Secretary of State.\* This signified the assent of the Crown to the Legislative Council's proposal to appoint non-official members equal in number to the official and to limit the term of office to three years. No mention was made of the petition or of Samson's protest against the action of the Council. The decision was received with mixed feelings, but the steps taken to carry it into effect were such that the new Council was practically a representative body. A public meeting, presided over by the Sheriff, was held in October,\*\* at which it was agreed to accept the concession approved by the Secretary of State, an amendment to the effect that no concession except the franchise be accepted being rejected. A resolution was then passed affirming that the colony should be divided into six districts, and the settlers in each district allowed to select one unofficial member for appointment by the Governor.\*\*\* A committee was appointed to carry the resolution into effect. This committee met a few days after the public meeting, and transmitted the resolutions to the Colonial Secretary with a request that the Governor should favour them with suggestions. The Governor strongly supported the steps proposed, and promised to give official assistance in securing a proper ballot.\*\*\*\*

(\*Footnote. Duke of Buckingham to Hampton 9 July 1867.)

(\*\*Footnote. Perth Gazette 18 October 1867.)

(\*\*\*Footnote. Ibid.)

(\*\*\*\*Footnote. Ibid 25 October 1867.)

As it was necessary to choose representatives quickly so as to give time for the Governor to get the consent of the Imperial authorities to their appointment, letters were sent to all the prominent settlers asking for their assistance.\* The colony was then divided into six districts--Perth, Fremantle, Champion Bay, Eastern Districts, Guildford and the Swan, and the Murray, and each district given the right to elect one member. All free males of adult age had the right to vote, but no proxies were allowed. The elections resulted in the selection of J.G.C. Carr (Perth) W. Bateman (Fremantle) W.L. Brockman (Guildford) J.G. Lee Steere (Murray) and E. Hamersley (Eastern District).\*\* The Champion Bay settlers refused to take advantage of the concession to select a member, and Governor Hampton had in consequence to select a sixth man. His choice fell upon J.W. Hardey,\*\*\* The man responsible for the amendment which defeated the original petition. The names were then submitted to the Governor and by him to the Secretary of State for approval. On 4 May 1868 an Order in Council was passed\*\*\*\* appointing them members of the Legislative Council of Western Australia for a period of three years.

(\*Footnote. Perth Gazette 25 October 1867.)



(\*\*Footnote. Ibid 29 November and 27 December 1867.)

(\*\*\*Footnote. Ibid 27 December 1867.)

(\*\*\*\*Footnote. Duke of Buckingham to officer administering the government of Western Australia 22 May 1868 enclosing Order in Council. See also Western Australian Government Gazette 14 July 1868.)

As might be expected from a Council thus constituted, the tendency was towards representative government, and no time was lost in bringing the whole question forward once more. At a public meeting held in February 1868, at Perth, it was agreed that immediate steps should be taken to secure representation, and that a second petition in favour should be circulated for signature and presented to the Legislative Council at its next meeting. A committee was appointed to carry out the decision, and Lee Steere was requested to introduce the memorial, when ready, into the Council.\*

(\*Footnote. Perth Gazette 28 February 1868.)

The requests contained in the petition had, however, been forestalled in part by Governor Hampton, who, in December 1867,\* when recommending the appointment of the six names selected, had also recommended that at the end of the three years half the Council should be elected by popular vote and the other half should consist of official nominees, the Governor to have a casting vote. To this suggestion the Secretary of State,\*\* in March 1868, gave his approval, but required that the electoral subdivisions proposed and the qualifications of electors should be submitted to him before being finally settled by the local authorities. When the Governor announced the course that was to be followed there was some demur on account of the casting vote, which in popular opinion left the balance of power still on the side of officialdom.\*\*\* Consequently signatures to the petition continued to be sought.

(\*Footnote. Hampton to Duke of Buckingham 27 December 1867.)

(\*\*Footnote. Duke of Buckingham to Hampton 27 March 1868 Number 40.)

(\*\*\*Footnote. Perth Gazette 15 May 1868.)

This was the position in November 1868, when Dr. Hampton resigned and left the colony. His administration could scarcely be described as peaceful, and there is no doubt that much of the public criticism of it was justified. His interference in matters relating to the convicts, his tyrannical methods toward them, and his action in appointing his son to the position of acting Comptroller-General, were strongly, and without doubt justly, resented. There certainly was not equally good ground for accusing him of delaying the inauguration of representative government, though it is questionable whether he would have urged it had not the force of public opinion become too strong to be resisted. There was one phase of his administration, however, that was eminently successful--that of the erection of public works. More than any previous Governor he applied himself to meet the needs of the settlers in that direction, and many public buildings still in use bear testimony to the success of his efforts. He used convict labour largely for these purposes, it is true; but, after all, Western Australia was entitled to any benefit she might receive from that labour as some return for consenting to allow the incubus of a criminal population to rest upon her. On the whole the benefits he conferred were lasting in nature, while his mistakes were but ephemeral.

During the period which elapsed between Dr. Hampton's departure and the arrival of his successor, the affairs of the colony were administered by the Commandant, Lieutenant-Colonel Bruce. The only matter of interest that occurred at this time was the visit of the Duke of Edinburgh, who landed at Fremantle on 3 February 1869, and remained in the colony for four days, during which there was much feasting and rejoicing.

## **CHAPTER 12. 1869 TO 1875. ADMINISTRATION OF GOVERNOR WELD.**

**CONSTITUTIONAL CHANGES.  
PROGRESSIVE LEGISLATION.  
LAND LAWS.  
RAILWAYS AND TELEGRAPHS.  
GENERAL DEVELOPMENT.  
EXPLORATION.**

The new Governor, Frederick A. Weld, arrived in the colony on 30 September 1869. He was not without colonial experience, having spent many years in New Zealand, during which he had on more than one occasion been a Minister of the Crown. From 1864 to 1865 he was Premier of that colony, resigning on account of ill-health. The position of Governor of Western Australia was offered to him to mark the Secretary of State's appreciation of his successful management of New Zealand affairs. One of his first acts in his new sphere of duty was to gain a general practical knowledge of the territory he was called upon to govern, and to this end he travelled over most of the settled districts to the south-west and east, forming his own conclusions of the possibilities of the colony. In a dispatch upon the subject\* he described the country from north to south, except where areas had been cleared for cultivation, as one vast forest in the sense that it was heavily timbered. While the good land, so far as wheat-growing was concerned, was patchy and scattered, yet in most places it was possible to grow something. The lightness of the crops was "owing in a great measure to over-cropping and slovenly farming." Vine-growing, in his opinion, deserved very much more attention than it received, and the wine produced, though unscientifically prepared, was likely to possess many of the qualities of Spanish wines. The roads (as might be expected where convict labour had been at work) he found wonderfully good, and the country had great facilities for the construction of roads, railways, and telegraphs.

(\*Footnote. Weld to Earl Granville, 3 March 1870 published in Perth Gazette 8 July 1870.)

All this goes to show not only that Weld was an accurate observer, but that he had a first-class knowledge of the things that were necessary for the country's prosperity, and his administration proved that he had both the energy and ability required to put them into successful operation.

The principal matter that he had to deal with at the outset of his term was that of representative government. Successive Secretaries of State had informed Governor Hampton that the Imperial authorities were favourable, but the conclusion of his term arrived before the idea could be carried into effect. The matter was taken up by the Legislative Council in 1869, a committee being appointed\* to draft a Bill and to divide the colony into electoral districts so that there might be a definite scheme to place before the new Governor. At the same time the petition prepared in accordance with the resolution of the public meeting of February 1868 was presented by Lee Steere to the Legislative Council.\*\* As Governor Weld was expected shortly afterwards, consideration was deferred until his arrival. Fortified by his previous

experience in colonial affairs, Weld's views in favour of representative government were as strong as those of any of the colonists. He warned them, however, that representative government must in due course be followed by responsible government, for which, in his opinion, the colony would not be prepared for some considerable time. He further pointed out that whatever scheme of representation might be approved, the Home Government would still insist upon a strong voice in local affairs, at any rate for so long a period as Imperial funds were being expended within the colony. This favourable attitude towards a change in the constitution so greatly desired by the people of the colony not only gave a fresh impetus to the movement, but instilled in the minds of everyone a definite hope of a satisfactory result. This hope was strengthened by the Governor's announcement in March 1870\*\*\* that he had received from the Secretary of State for the Colonies, Lord Granville, a dispatch to the effect that he saw no reason why the form of government provided by the Act, 13 and 14 Victoria c.59, should not be adopted if the colonists desired it.

(\*Footnote. Proceedings of the Legislative Council 5 July 1869 Perth Gazette 9 July 1869.)

(\*\*Footnote. Ibid 7 July 1869 Perth Gazette 16 July 1869.)

(\*\*\*Footnote. Perth Gazette 18 March 1870.)

Encouraged by these statements, the advocates for the change did not allow public feeling to grow cold. Meetings were held at various centres, and resolutions urging the introduction of the Bill were passed. At Bunbury, Lee Steere expressed himself forcibly to the effect that "he was shocked and indignant at the indifference shown to public opinion by the Executive; that it was the arbitrary will of one man prevailing over a Council of ciphers in the machinery of government."\* The Governor, while advocating the desires of the colonists, did not, however, hesitate to express to the Secretary of State\*\* his candid opinion of the conditions existing in the colony.

"I see no reason," he wrote, "to suppose that under the present system the colonists will ever become more fitted for self-government, and I greatly dread that if its introduction be long deferred they will become far less fitted. At present there are still men among them whose English education and English reminiscences would guide them in the almost forgotten path; the younger generation may grow up with less political education and far less thought, I fear, of the real responsibilities of good citizens and loyal subjects. An almost primitive simplicity and kindness of manners, very pleasing to see, strangely enough coexists in the same country that holds a large proportion of the criminal class; and I should be unjust were I not to point out with gratification that it is not uncommon to find men formerly belonging to the latter classes who have made good settlers and have raised themselves to a position of respectability and independence. An influx of population and riches, such a "rush" as has heretofore taken place in almost every other portion of the Australian colonies, would, did it find us under the present system, result in an almost irresistible demand for universal suffrage and responsible government at a time when such a concession would be unsafe and pregnant with disastrous consequences."

(\*Footnote. Perth Gazette 8 April 1870.)

(\*\*Footnote. Weld to Earl Granville 1 March 1870.)

By the provisions of 13 and 14 Victoria c.39 1850, and certain provisions of 5 and 6 Victoria c.76 1842, and 7 and 8 Victoria c.74 1844, which relate to the constitution of the Legislative Council, and under which the new Bill was prepared, the Governor was empowered, subject to the assent of the Imperial Government, to establish a new Legislative Council on providing for the payment out of colonial funds of all expenses of the civil establishment. Such Council should consist of nominated and official and elected members, the nominated and official to number together one-third of the whole, and the elected to represent electoral districts which were to be determined. With any increase in elected members there must be a corresponding increase in nominees to preserve the ratio of one-third to two-thirds. Every adult man of twenty-one years of age was to be entitled to vote, provided he owned property worth 100 pounds, was a householder paying 10 pounds a year, or held a depasturing licence. No person could be elected as a member unless he possessed property of the annual value of 100 pounds or the capital value of 2000 pounds. The nominated members were to hold office for five years, except in case of a dissolution, and were to be appointed by the Queen. Power of appointment might be delegated to the Governor. Forfeiture of a seat followed upon absence for two successive sessions, insolvency, or fraud. The term of election was five years. The Council must meet at least once in every year at such time and place as the Governor deemed expedient, and the Governor could prorogue or dissolve the Council whenever he considered such a course necessary. A member of the Council must be elected as speaker, and the election approved by the Governor, before any business was transacted.

The Governor, who under the new system ceased to be a member of the Council, was required to transmit for the consideration of members such Bills as he desired to introduce. All Bills before becoming law must, after passing through the Council, be assented to by the Governor, who was bound by the provisions of the Act and also by whatever instructions he might receive from the Imperial authorities. Permission to make laws for the appropriation of Crown lands was specially withheld, and Bills dealing with certain other questions, as e.g. divorce, must be reserved for Imperial sanction. Alterations in the Constitution also required the assent of the Crown. Beyond these matters the Council had general legislative authority. These were the main provisions of the Act of 1850. Any Constitution framed under it was to come into effect upon the issue of the writs for the elections.

The Bill which was introduced by Governor Weld on 23 May 1870,\* in accordance with the provisions of this Act, provided for a Council of eighteen, of whom twelve were to be elected, three to be nominated by the Governor, and three official members--the Colonial Secretary, the Surveyor-General, and the Attorney-General.

(\*Footnote. Proceedings of the Legislative Council 23 May 1870 Perth Gazette 27 May 1870.)

The fact that the Governor retained the power of veto rather discounted the value of the concession in the eyes of some, whilst others were disappointed because the local legislature would not be able to make land laws. A few were anxious, notwithstanding the financial aspect, to secure full responsible government, and a still smaller section, representing the old conservative element, could see no prospect of advantage in any change at all. The Bill, as Governor Weld said, was not perfect, but there is no doubt

that it was a distinct step forward, and provided all that could reasonably be expected under the circumstances.

The Bill caused an animated discussion in the Council, opinion being very much divided upon the subject. Several members failed to see that any advantage would be derived from it, while others opposed any alteration of a system that seems to have suited their particular requirements. On the second reading, however, it was carried by seven votes to five, those in favour being Governor Weld, the Colonial Secretary (E.P. Barlee) the Attorney-General (G.F. Stone) and Lee Steere, Carr, Brockman, and Newman, and those against, the Commandant (Lieutenant-Colonel Bruce) the Surveyor-General (Captain Roe) the Colonial Treasurer (A. Lefroy) and Phillips and Hardey.\*

(\*Footnote. Ibid 25 May 1870 Perth Gazette 27 May 1870.)

The Bill was finally passed on 1 June,\* and the writs for the new Council were issued on 18 July 1870.\*\* There were ten electoral districts: Perth, Fremantle, Geraldton, York, Toodyay, Swan, Greenough, Wellington, Vasse, and Albany. Perth and Fremantle were entitled to elect two representatives, and the other constituencies one each.\*\*\* The elections were held during October and the early part of November, with the following result: J.G.C. Carr and L.S. Leake (Perth) E. Newman and W.F. Moore (Fremantle) T.C. Gull (Swan) John Mckail (Albany) J.H. Monger (York) Major Logue (Geraldton) George Shenton (Greenough) James Drummond (Toodyay) J.G. Lee Steere (Wellington) and J.G. Bussell (Vasse.)

(\*Footnote. Ibid 1 June 1870 Perth Gazette 3 June 1870 containing copy of the Act 33 Victoria Number 13.)

(\*\*Footnote. Perth Gazette 22 July 1870.)

(\*\*\*Footnote. Ibid.)

These twelve gentlemen, with the six nominees--three official and three unofficial--formed the first Legislative Council under representative government in Western Australia. The official members were the Colonial Secretary (F.P. Barlee) the Surveyor-General (M. Fraser) and the Attorney-General (R.J. Walcott); the unofficial nominees were S.P. Phillips, M. Brown, and W.E. Marmion.\* Two old and tried servants of the colony retired from their positions on the inauguration of the new system. These were the Surveyor-General (Captain J.S. Roe) and the Attorney-General (G.F. Stone). Both were pioneers, and had done sound and excellent work for their adopted country. To Captain Roe, who had held office as Surveyor-General from 1829 and had been a member of the Legislative Council since 1832, Western Australia is specially indebted. His ability, wisdom, tact, and judgment were always at the service of his fellow-settlers, and no official did more--if any did so much--to further the interests of the colony.

(\*Footnote. Perth Gazette 9 December 1870.)

The new Legislative Council met for the first time on 5 December 1870. L.S. Leake was elected Speaker and J.G.C. Carr Chairman of Committees.\*

(\*Footnote. Proceedings of the Legislative Council 5 December 1870 Perth Gazette 9 December 1870.)

From the very first it was evident that there were two parties in the House. The Colonial Secretary, the leader of the Government, was supported by the nominee and official members as well as by the more conservative of the elected representatives, while the more radical section followed J.G. Lee Steere, who was the accepted leader of the Opposition. At the outset it also became plain that the Council did not intend to be a mere echo of the Executive, but was determined to exercise to the full the legislative powers conferred upon it. This was especially noticeable on the introduction of a Bill\* to amend the representation in the Council whereby it was sought to remedy a defect in the wording of the Legislative Council Act,\*\* under which conditional-pardon men were unintentionally excluded from the Franchise, and also to remove the qualification necessary for members. The Bill was referred to a committee, which recommended the following alterations: (a) that while the property qualification should be reduced it should not be abolished altogether, (b) that no person holding an office of emolument under the Crown should be allowed to sit as an elected member, and (c) that no person attainted of treason or guilty of felony or other infamous offence should be capable of being elected.\*\*\* The suggestions of the committee were adopted by the House,\*\*\*\* with the result that the Governor referred the Bill back for further consideration. The Council promptly returned it without alteration,\*\*\*\*\* and it was then reserved for Her Majesty's assent, notification of which was given to the Council in August.\*\*\*\*\*

(\*Footnote. Proceedings of the Legislative Council 14 December 1870 Perth Gazette 23 December 1870.)

(\*\*Footnote. 33 Victoria Number 13. The qualification of voters in the Act was that set out in 13 and 14 Victoria c.59.)

(\*\*\*Footnote. Proceedings of the Legislative Council 11 January 1871 Perth Gazette 13 January 1871.)

(\*\*\*\*Footnote. Ibid.)

(\*\*\*\*\*Footnote. Ibid 16 January 1871 Perth Gazette 20 and 27 January 1871.)

(\*\*\*\*\*Footnote. Ibid 17 August 1871 Perth Gazette 18 August 1871.)

The first distinct step in the direction of municipal government was taken during this session. In the past the towns and rural districts had been subject to Roads Trusts, bodies with power to levy rates for certain purposes, more particularly the making and maintenance of roads, jetties, and other means of communication. The Municipalities Act, passed in 1871,\* gave the local councils jurisdiction over roads, drains, wharves, public buildings, pounds, boundaries, fences, and sanitation, with power to rate and also to borrow money for the purposes set forth. Under this Act Perth was proclaimed a municipality early in January, and was followed shortly afterwards by Fremantle, Guildford, Albany, Bunbury, Busselton, Geraldton, and York.\*\* At the time Perth had an estimated population of over 5000.\*\*\*

(\*Footnote. 34 Victoria Number 6.)

(\*\*Footnote. Western Australian Government Gazette 1871 pages 42 and 57.)

(\*\*\*Footnote. Census 31 March 1870 gives population of Perth as 5007.)

About the same time a Local Roads Boards Act\* was passed for the government of those rural districts which were not prepared to assume the responsibilities of municipalities. Both these Acts were amended in 1876. In the Municipalities Act the right of voting was given to owners or occupiers of property who had paid their rates and had not been in receipt of public relief. Property rated under 25 pounds carried one vote, with an additional vote for every increase of 25 pounds in annual value up to a maximum of four votes. Any voter could become a councillor, but the Chairman must be qualified to serve as a Grand Juror. Under the Roads Boards Act the qualification was somewhat lower. A rateable value of 50 pounds per annum secured the maximum of four votes.

(\*Footnote. 34 Victoria Number 26.)

Probably feeling that it was incumbent upon a representative body to do something in the way of developing the resources of the country, one of the early actions of the Legislative Council was to pass a loan bill authorising the raising of 60,000 pounds for carrying out public works\* including 30,000 pounds for a new jetty at Fremantle. There was a good deal of opposition to the inclusion of this 30,000 pounds, and ultimately it was agreed not to proceed with that work, so that although the Governor forwarded the Bill for 60,000 pounds to the Secretary of State for approval,\*\* he stated in a further dispatch that the idea had been abandoned.\*\*\* The Colonial Office therefore declined to sanction the Bill as drafted, but suggested that in its place the local Council should agree to one for 35,000 pounds for certain public works which the Secretary of State enumerated.\*\*\*\* This advice was acted upon,\*\*\*\*\* and the amount was raised in 1872 at six per cent.

(\*Footnote. Proceedings of the Legislative Council 17 August 1871 Perth Gazette 18 August 1871.)

(\*\*Footnote. Weld to Earl of Kimberley 11 September 1871.)

(\*\*\*Footnote. Ibid 8 November 1871.)

(\*\*\*\*Footnote. Earl of Kimberley to Weld 24 January 1872.)

(\*\*\*\*\*Footnote. 36 Victoria Number 3 Schedule of works is appended to Act.)

The second session of the Council was opened in July 1871, when several matters of grave moment to the prosperity of the colony were decided. Principal among these were those relating to education and the land regulations. For years it had been the custom of the old Legislative Council to pass an annual grant for educational purposes. There had been growing dissatisfaction on the part of the Catholic community with the manner in which this grant had been apportioned. Addresses were presented to the Council in 1869 asking that Catholics be allowed a separate grant.\* Upon this being refused, a petition was forwarded to the Secretary of State\*\* requesting that a proportionate part of the grant be allotted for Catholic schools. Convinced that the matter was one for the local administration, the Imperial government declined to interfere, leaving it to the representative Council to deal with.\*\*\* That body also declined at its first session to make any alteration in the existing system, but the question became so acute during the recess that at the second



session an Elementary Education Act\*\*\*\* was passed, and a satisfactory settlement arrived at. Under the provisions of the Act, Government schools confined themselves to a purely secular education, while the schools founded by the various religious denominations gave instruction in accordance with their creeds. These latter were entitled to receive Government aid to the amount of the income they derived from fees or subscriptions. Religious teachers could also give instruction in Government schools for one hour either before or after the ordinary day's work, the attendance of scholars being voluntary. Inspectors could not examine in religious subjects. All children between the ages of six and fourteen, residing within three miles of a school, were required to attend. The Central Board of Education consisted of the Colonial Secretary as chairman and four laymen of different denominations appointed by the Governor for three years. This Board had control of all schools receiving Government aid, but only so far as secular instruction was concerned. District Boards, subject to the Central Board, were also established; these consisted of five members elected for three years by the people of the district. In order to carry out these provisions thoroughly, 6181 pounds was placed on the Estimates of 1871 for educational purposes.\*\*\*\*\* This Act met the needs of the community admirably, and with slight amendments continued in operation till 1895, when the enormous expansion of the colony due to the discovery of the goldfields rendered a more modern measure necessary.

(\*Footnote. Proceedings of the Legislative Council 6 July 1869 Perth Gazette 9 July 1869.)

(\*\*Footnote. Perth Gazette 23 July 1869 copy of petition. Petition forwarded in Colonel Bruce to Earl Granville 4 August 1869.)

(\*\*\*Footnote. Earl Granville to Weld 26 November 1869. See also Earl of Kimberley to Weld 13 August 1870.)

(\*\*\*\*Footnote. 35 Victoria Number 14.)

(\*\*\*\*\*Footnote. Proceedings of the Legislative Council 4 August 1871 Perth Gazette 11 August 1871.)

As one of the grounds of opposition to the old Council had been its ingenuity in framing land regulations that did not meet with the approval of the colonists generally, it was only to be expected that the representative body would take the subject into consideration at an early stage of its existence. New regulations were framed by a Select Committee\* in 1871\*\* under which all lands fit for the purposes of agriculture were reserved for sale as agricultural areas, the price being fixed at 8 shillings per acre, payable in annual instalments of 1 shilling per acre under certain conditions relating to occupation and improvement. In the opinion of some members of the Council the price was too high, but at the request of the Governor, who feared the Secretary of State might object, no reduction was made. Rural sections were fixed at 100 acres, with provision for selecting smaller plots for garden purposes. Under special circumstances other unreserved lands could be reduced in price. Pastoral leases for twenty-one years at low rents to secure improvement were approved, and the fee simple offered for clearing and fencing poison lands. New mineral regulations were also framed, restricting the areas to 200 acres and allowing a right to mine for two years on payment of 1 pound a year rent. Leases for twenty-eight years for mining purposes could also be secured, starting at 5 shillings per acre and rising by 5 shillings per acre every seven years. A Commissioner of Crown Lands was appointed

to carry out the provisions of the regulations. Crown lands being one of the subjects that required Imperial consent, the proposed regulations were forwarded to the Secretary of State for his approval.\*\*\* This was given,\*\*\*\* with slight amendments, towards the close of the year, and the regulations came into force in March 1872,\*\*\*\*\* remaining in operation until the introduction of the Torrens system in 1875 rendered them practically obsolete. Lord Kimberley's dispatch showed how difficult it was for a man without practical knowledge of colonisation to understand the conditions existing in a new country. Like most of his predecessors in office he deprecated the extension of settlement into new districts, mainly on account of the increase in the administrative expenses that would necessarily ensue. The dispatch also refused to allow the Governor in Council to make alterations in the regulations, as that would involve the surrender by the Crown of its control over waste lands.

(\*Footnote. Votes and Proceedings of the Legislative Council 1871 Paper A4.)

(\*\*Footnote. Proceedings of the Legislative Council 9 August 1871 Perth Gazette 11 August 1871.)

(\*\*\*Footnote. Weld to Earl of Kimberley 9 September 1871.)

(\*\*\*\*Footnote. Earl of Kimberley to Weld 26 December 1871.)

(\*\*\*\*\*Footnote. Western Australian Government Gazette 20 March 1872.)

The stumbling-block over which the first representative Council finally came to grief was the question of Customs duties. These had been imposed only from the standpoint of revenue, the general public opinion being always in favour of free trade. That was still the view when the new Tariff Bill was introduced into the Council at the close of 1870, the provisions of which did not make any drastic or far-reaching alterations. Under the existing tariff, stock, grains, flour and meal, agricultural implements and machinery, and other goods specially exempted by the Governor, were admitted free, whilst spirits were charged with a duty of 15 shillings a gallon, tobacco 1 shilling and 9 pence a pound, and the remaining articles with an ad valorem duty of 7 per cent. The new Tariff, which came into force at the beginning of 1871,\* made little difference beyond restricting the free list and raising duties upon luxuries. The increases were adopted not from the standpoint of protection, but as a means of increasing the revenue, which was showing distant signs of falling off owing to the diminishing convict expenditure, poor seasons, and a general fall in prices of those commodities which the colony was able to export. Several of the country members, however, no doubt looking for a good local market, were anxious to see duties placed on flour and other articles that could be locally produced; in other words, favoured a protective tariff. The question was warmly debated during the recess, and soon after the second session of the Council met in July 1871 it formed a subject for further consideration. A proposal to remove flour and meal from the free list on the grounds that it would benefit the farmers and, at the same time, assist the revenue, was strongly opposed, but in the end the advocates for protection, some of whom professed to be free traders, carried the day by a narrow majority, which was increased when the resolution was embodied in a Bill.\*\*

(\*Footnote. 34 Victoria Number 17 details in Perth Gazette 20 January 1871.)

(\*\*Footnote. Proceedings of the Legislative Council 1 August 1871 Inquirer 9 August 1871.)

The members of the Free Trade League, which was at this time a particularly active institution, waited upon the Governor and asked him not to assent to the Bill. Convinced that the tax would not produce much in the way of revenue, and that it would press harshly upon the poorer classes, Governor Weld on 17 August\* applied the veto. As the notification of the Queen's assent to the Act passed in the first session to amend the representation of the people had been received just previously, he considered the time opportune for putting it into force, and thus by a dissolution solve the difficulty created by his rejection of the Tariff Bill, and allow the people as a whole, by means of a fresh election, to express their opinion upon that matter.\*\*

(\*Footnote. Proceedings of the Legislative Council 17 August 1871 Perth Gazette 18 August 1871.)

(\*\*Footnote. Ibid.)

The Legislative Council was therefore formally dissolved on the date mentioned, with an expression of the Governor's confidence in the beneficial effects of those free institutions which he had endeavoured to foster during his term of office. Though in a larger community there would be little to attract attention in the amount of work performed, there is no doubt that in a small colony (which from the standpoint of population Western Australia then was) hitherto ruled by an official class which did not always see eye to eye with the people, the results of the Parliament marked a very distinct step forward. The Survey Department had been reorganised; more liberal land regulations passed; a comprehensive and equitable educational system brought into operation; and a useful programme of public works arranged. On the whole, there was every reason to feel satisfied with the change brought about by the introduction of representative government.

The chief question during the elections was that of tariff reform, and the new Council, which met in the middle of 1872, reflected the opinion of the constituencies upon that subject. The Governor was in favour of low duties, if not of complete free trade, and chose as his unofficial nominees men holding the same views. The representatives of the larger towns also supported the Government, but those from the rural constituencies were strongly protectionist. When the question came up for consideration it was evident that the protectionist section had a majority,\* and the resulting Tariff Act,\*\* though it would scarcely be called protective nowadays, had a distinct leaning in that direction.

(\*Footnote. Proceedings of the Legislative Council 26 August 1872 Inquirer 28 August 1872.)

(\*\*Footnote. 36 Victoria Number 4.)

Out of these discussions upon the tariff question arose the beginning of the agitation for responsible government. In the first place, the attitude of the Governor towards the suggestion of protective duties raised the question whether officialism was not still supreme. To throw greater power into the hands of the representatives of the people, Lee Steere proposed to double the number of elected representatives. In order to prevent such a drastic step from being taken, the Governor compromised by offering

to increase the representation by creating two new constituencies, claiming at the same time an additional official nominee.\* These proposals were embodied in a Bill introduced by the Colonial Secretary in July 1873.\*\* The new districts were termed the Northern, and the Murray and Wellington. To this Bill Lee Steere moved a series of sweeping amendments,\*\*\* to the effect that the constitution of the Executive Council should be altered by the addition of elected members, so as to bring its decisions more into harmony with the Legislature and with public opinion; that with the exception of four officials--the Colonial Secretary, Attorney-General, Surveyor-General, and Colonial Treasurer--all members of the Legislative Council should be elected by a constituency; that the constituencies returning one member should for the future elect two; and that provision be made for regulating voting by proxy. The suggestions were vigorously opposed by the Colonial Secretary as leader of the Government, and ultimately all of them, with the exception of that relating to proxy voting, were withdrawn,\*\*\*\* and the Bill was passed.\*\*\*\*\*

(\*Footnote. This increase was foreshadowed in the Governor's speech at the opening of the Council on 30 July 1872, but the Bill was not actually introduced until the following session.)

(\*\*Footnote. Proceedings of the Legislative Council 1 July 1873 Inquirer 2 July 1873.)

(\*\*\*Footnote. Ibid 11 July 1873 Inquirer 16 July 1873.)

(\*\*\*\*Footnote. Proceedings of the Legislative Council 11 July 1873 Inquirer 16 July 1873.)

(\*\*\*\*\*Footnote. Ibid 23 July 1873 Inquirer 30 July 1873.)

All this is evidence of the growing feeling in favour of a wider form of government. Representative government it was considered had not fulfilled the people's expectations. Lee Steere, one of the strongest advocates in favour of it, confessed that it was "ill-suited for the requirements of this colony or any other"\* and many others who had been among its warmest advocates became bitter opponents. Such opinions, widely disseminated, were bound to lead in the direction of responsible government, and by 1874 the desire for a change became the burning question of the hour. In June of that year a public meeting was held at Bunbury in favour of the change, and Lee Steere--who had previously doubted the wisdom of such a course--agreed to support responsible government as more likely to advance the interests of the colony than the existing system.\*\* In the following month he moved a resolution in the Legislative Council affirming that responsible government would tend to the future progress of the colony, and asking for a Select Committee to frame a Constitution.\*\*\* After some discussion, an amendment was passed affirming the integrity of the existing Government and asking the Governor to introduce a Bill providing for autonomy and to recommend Her Majesty approve of it.\*\*\*\*

(\*Footnote. Ibid 11 July 1873 Inquirer 16 July 1873.)

(\*\*Footnote. Inquirer 8 July 1874.)

(\*\*\*Footnote. Proceedings of the Legislative Council 22 July 1874 Inquirer 29 July 1874.)

(\*\*\*\*Footnote. Ibid.)

Governor Weld, rightly judging that the wisest course to pursue was to assist rather than oppose, promised to prepare such a measure, and in case of its adoption to recommend it to the favourable consideration of the Crown.\* In pursuance of that promise, a Bill to establish a Constitution for Western Australia and to grant a Civil List to Her Majesty was introduced into the Council on 3 August 1874 by the Colonial Secretary.\*\* It provided for the establishment of an Upper and a Lower House, the one to be wholly nominated by the Governor in Council, and the other to consist of twenty-five elected members. The Lower House was to have the sole power of originating money bills, and of imposing, altering, or repealing taxes. It was to be elected for five years. Judges, ministers of religion, and public contractors were debarred from sitting in either House, and any member accepting an office of profit under the Crown would thereby forfeit his seat. The control of the lands was to come under the Parliament, subject to a Civil List charge of 9729 pounds annually. Compensation was provided, either by way of pension or retiring allowance, for those officers whose positions would be abolished by the change.

Owing to the nominee character of the proposed Upper House, the scheme did not meet with any degree of acceptance. Lee Steere proposed that consideration of the measure be postponed until the country had been given an opportunity of expressing its opinion.\* This was negatived by the House,\*\* but acted upon by the Governor, who dissolved the Council on the following day.\*\*\* The result of the election showed that public opinion strongly favoured responsible government. The matter was not, however, brought before the new House, which met in November to pass supply, Governor Weld explaining that as he was on the eve of departure from the colony, it would be more fitting to allow his successor to deal with it, especially as he would probably be more in touch with the views of the Home authorities.\*\*\*\* At the risk of anticipating a little, it may be said that the proposal for responsible government came to nothing at that time. One of the first actions of the new Governor (Sir William Robinson) was to read to the Council a dispatch from the Secretary of State mildly censuring Governor Weld for being a little too precipitate in his desire to meet the wishes of the colonists, and pointing out that the Imperial Government was not prepared to recommend responsible government, more particularly as Weld himself had on previous occasions deprecated any such extension. After referring to this, Lord Carnarvon continued:

"It is with some surprise and regret that I now learn that without any previous intimation that such a measure was contemplated, or any reference to the opinions of Her Majesty's Government, the Governor has publicly pledged himself that this most serious change shall immediately be made, and that a Bill dealing with many questions of difficulty, in respect of which care must in any case be exercised, has been considered by the Council...We are dealing with a colony of vast extent, at present inhabited by a population estimated at 26,000 persons, of whom it is stated some 8000 are adult males, and of these, as I understand, between 5000 and 6000 are persons formerly transported as convicts from this country."\*\*\*\*\*

(\*Footnote. Proceedings of the Legislative Council 5 August 1874 Inquirer 12 August 1874.)

(\*\*Footnote. Ibid.)

(\*\*\*Footnote. Ibid 6 August 1874 Inquirer 12 August 1874.)

(\*\*\*\*Footnote. Ibid 18 November 1874 Inquirer 25 November 1874.)

(\*\*\*\*\*Footnote. Earl of Carnarvon to Robinson 18 November 1874.)

After pointing out the large increase in expenditure that responsible government would entail in the way of administration as well as in the direction of providing for the supervision of the remaining convicts, and stating that he had promised Governor Weld to give the matter due consideration, he concluded:

"But on a calm review of its present circumstances and conditions, I cannot but question whether this great alteration is not somewhat premature, and I feel it my duty, though not a grateful one to me personally, to withhold any hasty consent, and to interpose such prudent delays as will secure a full and dispassionate consideration of a decision which is fraught with such important consequences to the colony."\*

(\*Footnote. Ibid.)

This dispatch practically settled the matter for the time being. Every now and again an endeavour was made to resuscitate it, and the press occasionally inferred that it was on the eve of being granted, but Governor Robinson gave it little or no support, and gradually the whole discussion fell into abeyance.

Notwithstanding the large amount of time and interest that was given to constitutional questions during the term of office of Governor Weld, opportunity was also found to consider many matters of vital importance to the material well-being of the community. As regards facilities for communication and transit, Western Australia lagged far behind the rest of the civilised world. Up to 1869 there was not a single mile of telegraph line or railway in the colony. Requests had been repeatedly made to the old Legislative Council to take these matters in hand, but always without result. The first move was made by two private citizens, Edmund Stirling and Cumming, who on their own responsibility erected a telegraph line between Perth and Fremantle and opened it for public business in June 1869.\* This created such a stir that in 1870 the government felt compelled to take the question of telegraph extension into consideration. In May of that year a resolution was passed by the Legislative Council authorising the construction of lines between Perth and Albany, Bunbury, York, and Newcastle.\*\* The work was undertaken by a private company and completed in 1872. When the loan of 35,000 pounds allowed by the Secretary of State was floated in 1872, 12,000 pounds out of the proceeds were applied to the purchase of these lines by the Government,\*\*\* and arrangements were made for rapid extension. The loan was soon absorbed, and in 1873 a further amount of 100,000 pounds was authorised.\*\*\*\* The first moiety of this was raised in Melbourne in 1874,\*\*\*\*\* and the second shortly afterwards. It was wholly applied to railway and telegraph extension. Communication by wire was established in 1874\*\*\*\*\* between Newcastle and Geraldton, and in January 1875,\*\*\*\*\* just prior to leaving the colony, Governor Weld installed the first pole of an overland line between Perth and Eucla. This line was completed by the end of 1877, and as Eucla was already connected with Adelaide, and Adelaide with London, it brought Western Australia into touch with the outside world.

(\*Footnote. Perth Gazette 25 June 1869.)

(\*\*Footnote. Proceedings of the Legislative Council 26 May 1870 Perth Gazette 27 May 1870. See also prospectus of Electro-Magnetic company in Perth Gazette 1 July 1870.)

(\*\*\*Footnote. See 36 Victoria Number 3 schedule A.)

(\*\*\*\*Footnote. 37 Victoria Number 19.)

(\*\*\*\*\*Footnote. Inquirer 21 January 1874.)

(\*\*\*\*\*Footnote. Ibid 10 June 1874.)

(\*\*\*\*\*Footnote. Ibid 27 January 1875.)

Following closely upon the institution of the telegraph came the development of a railway system. The first efforts in that direction were made by private companies operating in the timber forests, and the lines were built primarily to facilitate the transport of timber to the coast. Towards the end of 1871 the Western Australian Timber Company built and opened a line connecting their jetty at the Vasse with the timber forests about twelve miles away.\* Shortly afterwards Mason, Bird & Co, who were working a timber concession in the Darling Ranges, established a railway from the Canning to Rockingham, and a tramway from the Canning to the jarrah forests.\*\*

(\*Footnote. Ibid 20 December 1871.)

(\*\*Footnote. Inquirer 14 February 1872.)

Movement by private firms in the direction of railway extension seems to have spurred on the Government to take action. In 1872 a committee was appointed to report on the subject of a railway to York and the eastern districts.\* Public opinion urged that this should be undertaken, together with one from Geraldton to Northampton, so as to cheapen the cost of transport for agricultural produce and for minerals. Acting on expert advice, the Government decided to construct the Geraldton to Northampton line,\*\* but want of funds prevented the commencement being made until 1874,\*\*\* and the line was not completed until 1879.\*\*\*\* For the first few years its earnings were not sufficient to meet working expenses.

(\*Footnote. Votes and Proceedings of the Legislative Council 1872 Paper A3.)

(\*\*Footnote. Report on Geraldton to Northampton Railway Votes and Proceedings 1873 Paper Number 6.)

(\*\*\*Footnote. Inquirer 28 October 1874.)

Contrary to expectation, it was not until 1873 that any suggestion was made definitely to connect Perth with Fremantle and Guildford by a railway. In that year it was discussed in the Council, and though a resolution was passed favouring a trial survey, it was apparent that the weight of opinion was against it.\* There seems to have been a fear that it was too great an undertaking for a small community, as well as a suspicion that it would in some measure interfere with vested interests, such as the carrying trade of the river. Consequently the question was allowed to lapse for a time.

(\*Footnote. Proceedings of the Legislative Council 25 July 1873 Inquirer 30 July 1873.)

Notwithstanding the generally hopeful feeling that prevailed on Governor Weld's assumption of office, the revenue and expenditure during the early years of his administration gave some cause for disquiet. The cessation of transportation naturally brought about a decrease in the convict expenditure. Added to this, the year 1870 was subject to a severe drought, generally affecting both the pastoral and agricultural industries, and a scourge of red rust, which had first made its appearance in 1868, grew more pronounced.\* These causes combined brought a shrinkage in income which at first promised to be serious, and called for the use of the pruning-knife in retrenchment, more especially as the expenditure, through the operation of the very same causes, increased yearly by a fairly considerable amount.\*\*

(\*Footnote. Western Australian Year Book 1902 to 1904 pages 40 to 41.)

(\*\*Footnote. Statistical Summary Appendix 4.)

The general expansion of trade and industry fortunately acted in some measure as a counterpoise, and the depression had little more than a passing effect. Before the end of 1872 there were signs of returning prosperity, though it was not until 1874, when the exports exceeded the imports, that stability was again assured.\* Wool, of course, continued to be the staple commodity--even though the pastoral industry was hampered by dry seasons and other drawbacks--the quantity sent away in 1874 being valued at 215,624 pounds.\*\* After wool came sandalwood, timber, pearls and pearl shell, guano, and minerals. The sandalwood trade varied with the local demand for general labour, and also with the prices ruling at Singapore and other ports to which it was sent, but during these years it reached its highest point of development. From 1869 to 1874 the total value exported was 273,838 pounds, of which 70,572 pounds was dispatched in the latter year.\*\*\*

(\*Footnote. Ibid.)

(\*\*Footnote. Ibid.)

(\*\*\*Footnote. Ibid.)

The hardwood timbers were not quite so much sought after, though the foundations were being laid for the important trade in these woods which has since been developed. In 1869 Lieutenant-Colonel Bruce informed the Legislative Council that over 100,000 pounds worth of orders for jarrah from India had been refused owing to the difficulty of transport to the sea.\* This was surmounted by railways and tramlines, and the industry began to forge ahead. In 1871 a Victorian company began operations at Wonnerup, and others followed.\*\* The inclusion of jarrah (1871)\*\*\* and karri (1873)\*\*\*\* by Lloyds among the A class of ship-building timbers brought these hardwoods more permanently before buyers, and the export trade, which in 1872 had fallen to 2590 pounds, rose in 1874 to 24,192 pounds.\*\*\*\*\*

(\*Footnote. Proceedings of the Legislative Council 26 June 1869 Perth Gazette 2 July 1869.)

(\*\*Footnote. See ante.)

(\*\*\*Footnote. Earl of Kimberley to Weld 15 December 1871 enclosing letter from Lloyd's Register.)

(\*\*\*\*Footnote. Inquirer 10 September 1873.)



(\*\*\*\*\*Footnote. Statistical Summary Appendix 4.)

The development of the pearl and pearl-shell industry, which had attracted considerable attention during the early sixties after the opening up of the North-West, received a strong stimulus early in 1869 through the discovery of a pearl valued at 260 pounds. Like the finding of a nugget by a prospector, this caused a mild rush to engage in pearling, especially as shell at that time would bring 180 pounds per ton. The number of boats engaged in the trade was largely increased, and pearling became one of the recognised industries of the colony. In 1869 about 54 tons of shell were raised, and sold for 6490 pounds; from then onward the amount increased every year and in 1874 308 tons were sold for 62,162 pounds, as well as pearls to the value of 12,000 pounds.\*

(\*Footnote. Statistical Summary Appendix 4.)

The principal fishing-grounds were off the coast around Nickol Bay. The diving was performed by natives, many of whom were women, and the treatment of these latter was certainly not in many instances creditable to the white pearlers. So acute did the moral aspect of the question become that in the interests of the aborigines the Legislative Council was compelled to pass an Act prohibiting the employment of women as divers.\* This prohibition led to the engagement of Malays, who were found to be more satisfactory in the deeper waters.\*\* In 1874 some 500 divers of all classes were engaged along the coast.

(\*Footnote. 34 Victoria Number 14. See also Proceedings of the Legislative Council 14 December 1870 Perth Gazette 23 December 1870.)

(\*\*Footnote. Inquirer 28 April 1875.)

The lead and copper mines in the Champion Bay district continued to be adversely affected by the difficulties of transport, and the output fluctuated considerably. In 1870, 1215 tons of ore valued at 14,604 pounds were raised, but in the following years there was an appreciable decrease, and it was not until 1874 that any evidence of progress was apparent. In that year 2211 tons of lead and copper ore were exported and sold for 26,723 pounds.\*

(\*Footnote. Statistical Summary Appendix 4.)

The search for gold still continued, spurred on by the Government's offer of a bonus of 5000 pounds, which had been extended to cover the discovery of a payable field within 300 miles of any declared port.\* In 1869 traces were discovered at North Dandalup, on the strength of which the prospectors applied, without success, for the reward. In 1870 several reports of discoveries were received--one on the Blackwood River and others on the Murchison. Gold certainly was found on the Upper Irwin, but not in sufficient quantities to make it worth mining under the extremely unfavourable conditions that existed, though several attempts were made. During this year (1870) the Secretary of State notified that the Crown waived all right to minerals on Crown lands,\*\* but the concession did not bring any payable field to light. Samples of quartz from Kelmscott, Newcastle, and Baylup, assayed in Sydney in 1872, were all found to contain traces of gold, and the Rockingham Bay Mining Company found it on the Serpentine. These discoveries\*\*\* over such a wide area induced the council in

1873\*\*\*\* to devote 1500 pounds for the purpose of prospecting, and a private party found specimens at Kendenup, about 40 miles from Albany. A company was formed to work this district, but its endeavours were without result. To afford every facility, a quartz battery was erected at Fremantle in 1874 to crush specimens found. All efforts, however, were fruitless, and though reports of gold discoveries continued to be made known, the colony was not able at that time to add gold to the list of exports. Boring for coal was also carried on, but without any satisfactory result.

(\*Footnote. Western Australian Government Gazette 20 July 1869.)

(\*\*Footnote. Earl Granville to Weld 16 February 1870.)

(\*\*\*Footnote. Proceedings of the Legislative Council 23 June 1873 Perth Gazette 27 June 1873.)

(\*\*\*\*Footnote. Perth Gazette 8 August 1873.)

Amongst all the energy and activity displayed, it is regrettable to find that the great primary industry--agriculture--suffered a serious reverse. Fields that had been tilled regularly for years were abandoned, and some of the smaller settlements almost deserted. The reasons for this unfortunate state of things were many. Foremost among them were the bad seasons and the repeated attacks of red rust in the wheat. Then ignorance of proper farming methods had almost exhausted the soil, and consequently the yields diminished even in good seasons. Timber-cutting and pearling also exercised some influence, and many of the farmers turned to those callings which, though more hazardous, promised greater returns for considerably less labour and afforded better opportunities for social intercourse. Perhaps, too, the absence of specie and the system of barter that obtained in most of the rural districts had some effect. There was little desire for increased returns when the increase could only be exchanged for other commodities and was rarely the means of bringing actual money to the producer.

The areas affected by red rust were principally the Victoria, Champion Bay, and Irwin districts. In 1869/70 the trouble was accentuated by drought.\* To prevent the ruin of many of the smallholders, Colonel Bruce, as Acting Governor, spent over 3000 pounds in seed wheat for distribution under a bond for repayment after the harvest.\*\* This temporarily gave heart to the farmers, and a fall in the price of sandalwood in 1871 caused many who had deserted to return to the plough, as at any rate a surer means of livelihood. In that year flour to the value of 4822 pounds was exported.\*\*\* A return of the red-rust plague in 1872 brought great distress to the settlers in the districts mentioned, and the flour exported that year was reduced by half. The evil was more apparent still in the succeeding years. In 1873 the area under wheat was 6000 acres less than in the previous year, and in 1874 a further drop of 2000 acres occurred. In both these years, and for many years afterwards, flour and grain became articles of import in place of export.\*\*\*\* This loss of interest in agricultural pursuits is the one instance of regression during Governor Weld's administration.

(\*Footnote. Western Australian Year Book 1902 to 1904 pages 40 to 41.)

(\*\*Footnote. Proceedings of the Legislative Council 26 June 1870 Perth Gazette 2 July 1870.)

(\*\*\*Footnote. Statistical Summary Appendix 4.)

(\*\*\*\*Footnote. Ibid.)

Settlement in the North-West received a severe setback in March 1872, through a hurricane of exceptional violence. The district had previously been visited by cyclones, but none had done such serious damage. Within half an hour the little town of Roebourne was destroyed by the wind and rain, and many of the townspeople were injured. Cossack--a new town on the coast--also suffered, though not to the same extent. Many of the squatters round about were disastrously affected, and all within the sphere of influence suffered more or less. In a few hours the results of many years' privations and hard work were swept away.\*

(\*Footnote. Report of Government Resident 26 April 1872 Inquirer 15 May 1872.)

The importance of the convict establishment rapidly dwindled with the cessation of transportation. Where in 1869 there were 2836\* men under prison control, in 1878 there were but 608.\*\* One serious feature was the growing number of convict paupers and infirm persons. In 1871 there were estimated to be nearly 800 in the colony who had to be supported by the Government. An attempt was made to persuade the Imperial Government to bear this burden, but without success.\*\*\* It was one of the penalties that followed in the wake of the system, and for years was a heavy tax upon the community. More than eight per cent of the revenue in 1872 went to support jails, hospitals, and poorhouses.\*\*\*\*

(\*Footnote. Western Australian Blue Book 1869 page 169.)

(\*\*Footnote. Ibid 1878 page 93.)

(\*\*\*Footnote. Perth Gazette 19 April 1872.)

(\*\*\*\*Footnote. Western Australian Blue Book 1872 pages 14 and 16.)

Out of a question of convict administration there arose in 1870 a very serious case involving the liberty of the Press, which not only created widespread public interest, but gave rise to a bitterness of feeling that lasted for very many years. A ticket-of-leave holder named Young was brought back to the prison on the warrant of the Comptroller-General for, it is believed, making reflections on the management of Fremantle Prison. Doubting the legality of the proceedings, Young's wife retained Mr. (now Sir) S.H. Parker, and instructed him to apply for a writ of habeas corpus. Parker had an interview with Young, who was inclined to wait the result of an appeal for mercy to the Governor before taking other steps. This appeal failed, and when Parker applied to see Young over the matter his application was refused on the ground that Young had declined to see him. Parker visited the prison, but was refused access, whereupon he made the affidavit supporting the application himself.\* The Comptroller-General complained that the affidavit was materially wrong, as it did not state that Young declined to see Parker. Parker urged that the point had really nothing to do with the question, as he had actually been refused access to the prisoner. Judge Burt, however, thought differently, and fined Parker for malpractice and misconduct.\*\* Smarting under what he felt was an injustice, Parker wrote a letter to the Inquirer criticising the judge's action and practically imputing prejudice--an imputation which an impartial review of the whole a fair will sustain.\*\*\* The Perth

Gazette also espoused his cause, and made some scathing remarks about both the judge and the Comptroller-General.\*\*\*\*

(\*Footnote. Inquirer 19 October 1870.)

(\*\*Footnote. Ibid.)

(\*\*\*Footnote. Inquirer 19 October 1870.)

(\*\*\*\*Footnote. Perth Gazette 21 October 1870.)

Out of these remarks arose the second stage of the proceedings, which came dangerously near a travesty of justice. Stirling Brothers, editors of the Inquirer, and Arthur Shenton, editor of the Gazette, were called by Judge Burt before himself to explain their actions. The editors regretted publication, but Shenton made some attempt to justify what he had done on the ground that the actions of public men were open to fair and legitimate comment. Judge Burt then, after making some attempt to explain why he sat in judgment on a case in which he was one of the most interested parties, sentenced the Stirlings to thirty days' imprisonment, and poor Shenton to two months with 100 pounds fine in addition.\* At a subsequent stage Parker also was fined 100 pounds for his share in the proceedings.\*\* The editors went to jail, but yielding to persuasion they agreed to publish apologies and were released.\*\*\* Shenton then petitioned for a remission of the fine, but without avail. The judge threatened attachment unless the fine was paid forthwith. Both Shenton and Parker then petitioned the Secretary of State,\*\*\*\* but he declined to interfere.\*\*\*\*\* Ultimately Shenton's fine was remitted, but not until after his death, when the judge's harshness could follow him no farther, though it may have contributed towards his decease. The incident then closed, but the Express, a younger newspaper, was not far from the truth when it declared that the whole community was "seriously alarmed at the discovery of what a fearful engine the laws apparently provide and place in the hands of the sole judge."\*\*\*\*\* The community ought to have been more concerned about the purity of the administration of justice.

(\*Footnote. Ibid 4 November 1870.)

(\*\*Footnote. Inquirer 9 November and 14 December 1870; Perth Gazette 16 December 1870.)

(\*\*\*Footnote. Express Fremantle 10 November 1870.)

(\*\*\*\*Footnote. Weld to Earl of Kimberley 26 January and 1 February 1871.)

(\*\*\*\*\*Footnote. Earl of Kimberley to Weld 29 April 1871.)

(\*\*\*\*\*Footnote. Express 10 November 1870.)

Native troubles, except in the North-West, had by this time practically disappeared, and the efforts of the Legislature were directed rather towards the protection of the aborigines than towards repression. A Select Committee in 1871 suggested grants of land under certain conditions,\* and in a revision of the land regulations made some years later this idea was carried into effect.

(\*Footnote. Votes and Proceedings of the Legislative Council 1871 Paper A3.)

A case showing the desire of the Government to afford the natives the protection of the law arose in 1872. L.C. Burges was charged at Perth before the P.M. (E.W. Landor) and three justices for shooting at a native with intent to kill. As a matter of fact, the black was actually killed in attempting to escape after capture for stealing Burges' saddle while the settler was making a trip from Nickol Bay to Geraldton through a district infested with savages. After hearing the evidence, the magistrates reduced the charge to one of shooting with intent to do bodily harm.\* For this Governor Weld, no doubt actuated by a desire to protect the natives, suspended Landor on the ground of partiality in favour of the accused,\*\* who was a member of an influential family. The justices then resigned in protest.\*\*\* Burges was tried at the Supreme Court in September, and the jury were instructed by Judge Burt to return a verdict of murder or manslaughter. He was found guilty of the latter and sentenced to five years' penal servitude.\*\*\*\* The severity of the sentence caused a great outcry,\*\*\*\*\* and the Secretary of State was appealed to. That official directed the Governor to reinstate Landor,\*\*\*\*\* but refused to remit the whole of the sentence on Burges, although he reduced it to one year.\*\*\*\*\* The wisdom of punishing Burges at all may be doubted. Although in the settled districts little trouble was caused by the natives, they were still hostile in the North-West, and murders of white settlers caught napping were not infrequent. Men who undertook the burdens of pioneering and went out into unknown districts carried their lives in their hands, and to shoot quickly was often their only safeguard. Such men may have been technically guilty of murder, but even that was preferable to being stalked like game and treacherously slain by blood-thirsty savages.

(\*Footnote. Perth Gazette 7 June 1872.)

(\*\*Footnote. Ibid 21 June 1872.)

(\*\*\*Footnote. Ibid.)

(\*\*\*\*Footnote. Ibid 13 September 1872.)

(\*\*\*\*\*Footnote. See succeeding issues of Perth Gazette and Inquirer.)

(\*\*\*\*\*Footnote. Earl of Kimberley to Weld 5 and 25 September and 19 November 1872.)

(\*\*\*\*\*Footnote. Ibid 27 December 1872.)

In the matter of exploration\* the period under review was perhaps the most important in the history of Western Australia, embracing as it did the memorable series of journeys undertaken by John Forrest and his brother, Alexander Forrest, which have since made the name of Forrest famous in the geographical annals of the world. Up to 1869 every attempt to secure information about the great interior of Australia, stretching eastward from the coastal districts of the West to far within the borders of South Australia, had been unsuccessful. Stuart from the eastern side of the continent, Eyre along the southern coast, A.C. Gregory from the north-west, and Hunt, Lefroy, and the Gregorys travelling eastward from Northam and York, had all been forced back by the great desolation which met them on the edge of the desert, barren, so far as could be gauged, of everything necessary to sustain life. To the men who have shown hardihood--perhaps recklessness--in their endeavours to penetrate that awful barrenness and give to science an accurate knowledge of it, Australia owes a debt of gratitude that no expression of admiration can fully repay. The first attempt, that made by Western Australia's greatest son, John Forrest, was primarily undertaken in

the hope of solving the mystery surrounding the fate of Leichhardt. While exploring in the Hampton Plains district in 1866, Hunt and Roe had been told by the natives stories of white men murdered farther east, on the shores of a great lake. The accounts were so circumstantial that hopes were raised that at last the fate of Leichhardt's party was to be set at rest. Dr. (afterwards Baron) Von Mueller, who had accompanied A.C. Gregory in 1856, and was in 1866 in the employ of the Government of Victoria, offered to lead an expedition to the spot, and the Legislative Council made a grant towards defraying the expenses of the trip. Fortunately, perhaps, for Australian discovery, Von Mueller found that his engagements would not permit him to go, and the leadership was conferred upon John Forrest. Then a young officer in the Survey Department. With him went George Monger (as second in command) Malcolm Hamersley, and David Morgan, as well as two native guides, Tommy Windich and Jemmy Mungaroo.

(\*Footnote. Authorities: Favenc, E. History of Australian Exploration 1888; Calvert, A.F. Exploration of Australia 1844 to 1896 1896; and published journals of explorers. Where other authorities are used they are specially mentioned.)

Leaving Perth on 15 April 1869, Forrest made for the locality where the bones were said to lie, questioning the natives as he went. The result of these interrogations led him to believe that the bones were not those of white men, but those of Austin's horses lost near Poison Rock in 1856. Satisfied that to proceed farther in that direction would be fruitless, he turned his steps eastward and continued as far as longitude 122 degrees 50 minutes east, naming as he went his various discoveries--Lake Barlee, Mounts Ida, Leonora, Malcolm, Margaret, and many smaller features of the country. Returning by a more northerly route through barren territory, the explorers reached Newcastle on the 4th and Perth on 6 August, having been absent 113 days, and having travelled over 2000 miles. Though he failed in the main object of the expedition--to set the fate of Leichhardt at rest--Forrest obtained a reliable survey of a district hitherto unknown, and withdrew one more district from the unexplored regions of the colony. The country traversed was, he stated, worthless for pastoral or agricultural purposes, but would well repay thorough geological examination, as it gave every indication of being an auriferous zone.

Soon after the return of the explorers, Dr. von Mueller suggested that Forrest should be placed in charge of an expedition to examine thoroughly the country between the Murchison River and the Gulf of Carpentaria. Governor Weld felt that such a journey would involve too great an expense. At the same time he was anxious to secure further information concerning the southern coast, and consequently in the following year (1870) Forrest entered upon his memorable trip from Perth to Adelaide by way of Eucla. Since Eyre's trying experience, no one had succeeded in traversing the whole distance, though Major Warburton, in 1860, from the South Australian side, reached a point nearly a hundred miles beyond the head of the Great Australian bight, and Delisser in 1865 had just crossed the border from the east.

Funds were voted, and arrangements were made for the schooner Adur to meet the explorers with supplies at Esperance Bay, Israelite Bay, and Eucla. The party consisted of John Forrest (leader) Alexander Forrest (second in command) H. Mclarty, W. Osborne, and Tommy Windich and another native. The party, with

fifteen horses, left Perth on 30 March 1870, being accompanied for a few miles out by Governor Weld. Taking a south-easterly course through Kojonup and across the Fitzgerald and Phillips Rivers, Forrest reached Esperance Bay, where the schooner met them with supplies. From that point an easterly stretch of 130 miles brought the explorers to Israelite Bay. Starting afresh from there on 30 May, they were compelled through want of water to strike northwards to a permanent supply discovered by Eyre, and then make a dash through waterless country to Eucla, where the schooner was to await them. On this portion of the journey they suffered severely from thirst, intensified by the difficulties they had to encounter. After a short trip inland, Forrest left Eucla on 8 July and entering South Australian territory pressed on to Adelaide, which he reached on 27 August, having accomplished the distance between the two capitals in five months. Forest's opinion of the country passed through on the Western Australian side was distinctly favourable. The land was well grassed, and in some places water was procurable at moderate depths. "If," he said, "water could be procured on the tableland, it would be the finest pastoral district of Western Australia." The party returned to Perth by sea, arriving there on 27 September, after an absence of 182 days.

In 1871 Alexander Forrest with a small party set out eastward in search of new pastoral land, but owing to the lateness of the season when they started, the leader was compelled to make for the coast after penetrating for some distance beyond the spot upon which Kalgoorlie now stands. After reaching Esperance he returned to Perth, having traversed some 600 miles and discovered pastoral country much of which has since been occupied.\*

(\*Footnote. Inquirer 22 November 1871.)

The tale of exploration was now taken up, both officially and privately, in South Australia, and endeavours were made by travelling westward from the overland telegraph line to secure more definite knowledge of the still unknown interior. The first of these expeditions was commanded by Ernest Giles, an old digger and government official, who must always remain in the front rank of those explorers who have conferred great benefit upon Western Australia. Being provided only with horses, Giles failed in his first attempt in 1872 even to reach the border, and in his second only succeeded in penetrating a little beyond it, being driven back by want of water. The desire to explore the Great Australian Desert still, however, remained, and in 1873 two expeditions went out. One of these, promoted by the Government of South Australia, was under the leadership of William Christie Gosse, Deputy Surveyor-General of South Australia, and the other, due to the liberality of Mr. (afterwards Sir) Thomas Elder and Captain Walter Hughes, was commanded by Major P. Egerton Warburton. Gosse left Alice Springs in April, and though he did not succeed in reaching the west coast, entered Western Australia near the Tomkinson Ranges, and examined those and the Cavenagh and Barrow Ranges. Major Warburton's expedition was more successful. Starting from Alice Springs on 15 April with a small party, and using camels in place of horses, he reached a tributary of the Oakover on 4 December and De Grey station on 11 January 1874. Though the desert had been crossed, little information was gleaned about the country. Owing to repeated delays, provisions ran short and sickness occurred. Warburton therefore determined to push through as quickly as possible, travelling by night, and thus there was little opportunity of examining the character of the surrounding desert. Such opinions as

they were able to offer were distinctly unfavourable: the country was sterile, watercourses of a permanent nature did not exist, and any attempt to cross with horses must end in disaster.

Meanwhile, John Forrest was urging the desirability of a further expedition setting out from Perth with a similar object in view: to settle the question as to the character of the great central desert and ascertain whether a practicable route could be found between Western Australia and the more advanced eastern colonies. In 1872 he offered to led an expedition from Champion Bay along the course of the Murchison River and across the interior to the South Australian telegraph line. The Governor recognised the value that such an undertaking would have, and the Legislative Council voted 400 pounds towards the cost of the expedition, the public subscribing the remainder. The official instructions were "to obtain information concerning the immense tract of country from which flow the Murchison, Gascoyne, Ashburton, De Grey, Fitzroy, and other rivers falling into the sea on the western and northern shores of this territory." After that, the further course of the expedition was to be at the discretion of the leader. The party, which consisted of John Forrest (leader) Alexander Forrest (second) James Sweeney, James Kennedy, and the native Tommy Windich and another aboriginal, left Perth, equipped with twenty-one horses and eight months' stores, on 18 March 1874. Leaving Yuin a month later, and striking the Murchison River, they followed it as far as the Robinson Range, and then turned south-east to Mounts Bartle and Russell, whence they followed a north-easterly course to the Kimberley and Frere Ranges and reached Weld Springs, where an abundance of excellent water could be obtained. So far they had met with no difficulty, having traversed a district admirably suited in the main for grazing purposes, but from Weld Springs eastward the country was principally spinifex desert, with fresh water only here and there. So greatly did they suffer from want of water that a return on their tracks at one time seemed inevitable. The indomitable courage of the leader, however, encouraged them to press forward, and ultimately they reached permanent water at Barlee Springs in a neighbourhood already traversed by Giles and Gosse. From this point on, though difficulties and privations were encountered, these were not to be compared with those they had surmounted, and the whole party reached the Peake Telegraph Station on 27 September and Adelaide on 3 November. The course had been largely determined by the possibility of finding water. Forrest was unable on this account to proceed as far into the tropics or explore as much to the south as he wished, but in spite of these drawbacks the journey will always rank as one of the most remarkable feats of endurance on record. Starting with twenty-one horses to cross a desert where it had been declared horses could not live, he saved twelve of them, and that without hurrying. Careful notes were made of all the country traversed, and every precaution taken to make the results valuable to geographical science. To no one does the history of Western Australian exploration owe more than to John Forrest.

In the following year (1875) Giles, through the generosity of Sir Thomas Elder, was enabled to make a third attempt to cross the continent. This time, equipped with camels, he succeeded with comparative ease, and demonstrated the great superiority of those animals over horses in exploratory work over waterless country. Reaching Perth on 18 November, he started on his return journey in the following January, taking a course between those of Warburton and Forrest. This journey also he accomplished in safety, thus gaining the honour of having twice traversed the



continent. His experiences confirmed those of Forrest, that the interior of Australia is a sandy desert unfit for settlement of any kind. The desert had been pierced in four places, and though it showed no trace of land suitable for agricultural purposes, the results of the expeditions were invaluable to science, and set at rest for good the question of the existence of an inland sea.

Towards the end of 1874 Weld was appointed Governor of Tasmania, and left Western Australia in December for his new sphere of duty. As Governor of Western Australia he was not altogether popular. Several of his actions failed to meet with approval. Perhaps the chief cause was to be found in the determined opposition he showed towards a protective tariff, and to the fact that during his administration the people learned how small was the kernel within the shell of representative government. Viewed from a distance of nearly half a century, Governor Weld's term of office marks the turning-point in the history of Western Australian settlement. The change involved by the cessation of transportation, with the necessary diminution of Imperial expenditure, was brought about without any ill results; modern methods and conveniences were brought into operation; extensive exploration was encouraged and furthered; and every effort made to bring Western Australia into line with her more favoured sisters in the east. Far-seeing and determined, and yet at the same time courteous and conciliatory, Frederick Weld must be considered one of the most successful governors who had up to that time guided the destinies of the colony.

## CHAPTER 13. 1875 TO 1883.

### AGITATION FOR ALTERATION OF CONSTITUTION.

#### LEGISLATION.

#### LAND LAWS AND REGULATIONS.

#### IMMIGRATION.

#### RAILWAY DEVELOPMENT.

#### RESOURCES AND INDUSTRIES.

#### CONVICT ESTABLISHMENT.

#### EXPLORATIONS.

#### MISCELLANEOUS.

Governor Weld's successor, Mr. (afterwards Sir) William Cleaver Francis Robinson, arrived at Fremantle from Albany in the Georgette on 11 January 1875. Trained in the Imperial Service, Mr. Robinson differed from previous Governors in that he was conversant with Colonial Office methods and intentions, and had therefore a better idea of how colonial aspirations were likely to be viewed by the Home authorities. We have seen how he used that knowledge to discourage the proposals for responsible government. The agitation was revived with the advent of Sir Harry St. George Ord as Governor in 1877, but he was equally disinclined to give it any favourable support. The same attitude was observed by Sir William Cleaver Robinson during his second term, which lasted from 1880 to 1883; consequently but little progress was made towards bringing the matter to a head.

In July 1878 Mr. (now Sir) S.H. Parker, then newly elected to the Legislative Council, moved for the introduction of a Bill to amend the Constitution.\* The debate showed that the members were not at that time prepared to assent to any drastic change, though it was generally admitted that continued vexatious interference on the part of the Colonial Office would inevitably strengthen the hands of those who desired responsible government. Though Parker's motion was lost,\*\* he did not cease to advocate a change, and there is no doubt that the grant of full self-government to the colony some dozen years later was largely due to the earnest efforts which he put forth. An attempt was made, though without any marked success, to make the question a vital one during the election campaign for the Legislative Council in 1880,\*\* and in 1882 Parker was again defeated on moving that an address be presented to the Governor asking for the introduction of a Bill.\*\*\*\*

(\*Footnote. Western Australian Parliamentary Debates volume 3 pages 213 to 218, 221 et seq.)

(\*\*Footnote. Ibid volume 3 page 218.)

(\*\*\*Footnote. Inquirer 25 February 1880.)

(\*\*\*\*Footnote. Western Australian Parliamentary Debates volume 7 pages 227 and 246.)

At a later date he moved, and this time with success, that an address be presented asking the Governor to obtain from the Secretary of State a statement of the terms and conditions upon which autonomy would be granted to the colony, as it was felt that the financial requirements of the Act 13 and 14 Victoria c.59 could be carried out.\* Here the matter was allowed to rest for the time, more especially as the Council was

then, and had been for some years previously, busily engaged over questions of more immediate concern to the material welfare of the people. Out of the discussions, however, there came what appeared to the colonists to be an advantage--an alteration in the constitution of the Executive Council. In 1873 Mr. Lee Steere had urged that this body should be made consultative rather than be allowed to remain as it really was, the actual governing power of the community; and this expression of opinion was not without effect. On 4 July 1878, the Governor was empowered by Royal instructions "to appoint, in addition to the ex-officio members, such persons as he may think fit to be members of our said Executive Council, but so that the number of such unofficial members shall never exceed the number of two."\*\* Of course any such appointments were to be subject to the approval of the Crown. At the same time provision was made whereby the Governor could appoint some particular member to preside in the case of his absence, failing which the senior official member would act. Additional Royal instructions were received in 1879\*\*\* limiting the official members to six and regulating their precedence, the two unofficial appointments being still allowed. The permission to include unofficial members in the Executive Council was not really acted upon until 1884, when J.G. Lee Steere was appointed,\*\*\*\* although J.H. Thomas, Commissioner of Public Works, had been made an "unofficial" member in 1879.\*\*\*\*\* The only alteration which took place in the Legislative Council was made in 1882, when by the creation of the Gascoyne district the membership was increased to twenty-four.\*\*\*\*\* Proxy voting had already (in 1877)\*\*\*\*\* been abolished in favour of the system of voting by ballot in vogue in the eastern colonies.

(\*Footnote. Ibid volume 8 pages 33 to 37.)

(\*\*Footnote. Hicks-Beach to Sir Harry Ord 4 July 1878 enclosing copy of instructions.)

(\*\*\*Footnote. Hicks-Beach to Officer administering government of Western Australia 8 April 1879.)

(\*\*\*\*Footnote. Western Australian Government Gazette 7 August 1884.)

(\*\*\*\*\*Footnote. Ibid 27 May 1879.)

(\*\*\*\*\*Footnote. 46 Victoria Number 24. Queen's assent notified in Western Australian Government Gazette 27 February 1883.)

(\*\*\*\*\*Footnote. 41 Victoria Number 15. Queen's assent notified in Western Australian Government Gazette 8 April 1879.)

In the matter of legislation the period 1875 to 1883 was not particularly prolific. The tariff question, which seems to have become a hardy annual in Australian politics, was again raised in 1876, when a Commission was appointed to report upon the advisability of revision. This Commission recommended\* that corn, flour, meal, salt meat, and various minor commodities should be placed upon the free list. Although these were the very articles over which the advocates of protection and free trade had had some very warm arguments, the report seemed to have been agreed to almost without remark,\*\* and free trade to have been recognised as the accepted policy, duties being restricted to the requirements of the revenue. But as the taxation through the customs amounted to over 3 pounds per head,\*\*\* the free trade principle must have been considerably modified by protectionist practice. This became more apparent in 1879, when the colony was faced with a depression, and customs duties were looked to as a means of securing sufficient revenue. These duties, imposed at the instance of the government, had, it was explained, nothing to do with the principle

of free trade, but were merely a matter of expediency and would only last for three years.\*\*\*\* The speaker (Sir Luke s. Leake) and S.H. Parker\*\*\*\*\* strongly opposed the proposals, especially in regard to flour, bran, corn, and other grain, but in face of the necessity of securing money by some form of taxation they were adopted. The cry that the duties were a burden upon the working classes was quickly raised, and during the succeeding two years efforts were made to have them reduced, but without avail. In fact, when the three years for which they were imposed had expired, instead of being abrogated the duties were confirmed and made permanent, and general feeling then being that if money for the necessary public works was to be secured, the policy of the country must be one of protection.\*\*\*\*\*

(\*Footnote. Votes and Proceedings of the Legislative Council 1876 Report of Commission Paper Number 2.)

(\*\*Footnote. Ibid pages 47 to 48.)

(\*\*\*Footnote. Western Australian Blue Book 1876: customs receipts 85,177 pounds, population 27,321.)

(\*\*\*\*Footnote. Western Australian Parliamentary Debates volume 4 page 269.)

(\*\*\*\*\*Footnote. Ibid pages 271, 274 to 275.)

(\*\*\*\*\*Footnote. Western Australian Parliamentary Debates volume 7 pages 61 et seq and 102 et seq.)

Besides the tariff, the only matters of importance from a legislative standpoint were a reform in the method of issuing land-titles, and various revisions of the land regulations. Robert R. Torrens, in South Australia, had evolved a simple method of transferring land-titles which had been found to work admirably. By its operation the whole complex system of conveyances was swept away and its place taken by a simple document, which not only showed at a glance the various transactions that had taken place with regard to the land, but also disclosed at once to the purchaser any encumbrances in the way of mortgage or charge that might be in existence; "everything was concentrated into one plain and portable compass." A Bill based upon the South Australian Act was passed by the Council in 1874\* and came into operation on 1 July 1875; amendments have been made from time to time, but the principle still remains in operation. The establishment of this system was considered a favourable opportunity for a complete revision of the land regulations, and a committee was appointed by the Council\*\* to draft necessary alterations. Included in these was one made at the instance of the Surveyor-General, providing that persons holding a special occupation licence or the fee simple should have the right to depasture four head of stock on adjoining Crown lands for every 100 acres, with a maximum of twenty head. If the land owned or licensed was cultivated, then the owner or licensee could depasture one head (up to twenty) for every seven acres under cultivation.

(\*Footnote. 38 Victoria Number 13.)

(\*\*Footnote. Votes and Proceedings of the Legislative Council page 21; Report of Committee ibid Paper Number A3.)

The report of the committee was adopted by the Council in 1876\* and the amended regulations forwarded for the approval of the Colonial Office.\*\* The Secretary of

State was "not indisposed to assent," but sought further information on certain clauses.\*\*\* On receipt of this\*\*\*\* the regulations were approved,\*\*\*\*\* and came into force in September 1878.\*\*\*\*\* By them all previous regulations except so far as they referred to existing contracts were repealed.\*\*\*\*\* Assent to the regulations was much more easily gained than in previous years. The Imperial authorities seem to have been slowly learning that the colonial legislatures were fairly competent to deal with local matters, and that as regards land regulations particularly they had a more intimate knowledge of the conditions necessary for the development of successful land settlement than any English Minister was likely to possess.

(\*Footnote. Western Australian Parliamentary Debates 1876 page 175.)

(\*\*Footnote. Robinson to Earl of Carnarvon 20 February 1877.)

(\*\*\*Footnote. Earl of Carnarvon to Officer administering Government 13 July 1877.)

(\*\*\*\*Footnote. Colonel Harvest to Earl of Carnarvon 27 September 1877.)

(\*\*\*\*\*Footnote. Earl of Carnarvon to Sir H. Ord 30 November 1877.)

(\*\*\*\*\*Footnote. Western Australian Government Gazette 14 September 1878.)

(\*\*\*\*\*Footnote. Regulations clause 1.)

The new regulations, under which the Surveyor-General became in addition Commissioner of Crown lands, divided the colony into four districts--the Central, Central-Eastern, Northern, and South-Eastern--the lands in each being classified as town, suburban, rural, and mineral. All rural lands in the Central district were available for sale in lots of not less than 40 acres, at a minimum of 10 shillings per acre; in the other districts 400 acres was the minimum section and 5 shillings per acre the upset price. Pastoral lands were divided into two classes instead of three as formerly; first-class land was that comprised in the area bounded on the south and west by the sea-coast, on the north by the Murchison River, and on the east by a line drawn from the summit of Mount Bompas through the summits of Wongan Hill and Mount Stirling to the mouth of the Fitzgerald River; while the second class comprised the remaining pastoral lands in the colony. First-class land could be secured by annual licence in blocks of not less than 3000 acres, except where other boundaries intervened, or could be leased for fourteen years in blocks of 10,000 acres or over. Second class land could be leased for fourteen years in blocks of 20,000 acres, the rent to be 5 shillings per 1000 acres for the first and 10 shillings per 1000 acres for the second seven years. Lessees could also under certain conditions secure a preemptive right during the currency of the lease over blocks of not less than 1000 acres, but in such cases an annual rental of 5 pounds per 1000 acres had to be paid in advance. The cost of the fee simple of such lands in the Northern district was 5 shillings per acre during the first seven years and 10 shillings per acre afterwards; in other districts 2 shillings and 6 pence and 5 shillings per acre according to the time of purchase. The regulations also provided for timber licences at the rate of 20 pounds for each 640 acres of timber country; such licences, however, did not permit the cutting, hewing, and removing timber in bulk or for piles. For this a fee of 3 pounds per month for each man employed was required, and for each sawyer 5 shillings per month. Licences to cut sandalwood or bark cost 2 shillings and 6 pence per month. Special licences for fourteen years for cutting timber could also be procured. Little or

no change was made in the existing regulations regarding poison and mineral country, but special grants were allowed to volunteers who had served two years or more and to immigrants. This latter concession was not, however, sufficient to induce suitable persons from the United Kingdom to emigrate to Western Australia.

The opening up of the Kimberley district made it necessary that special regulations should be framed dealing with the lands of that area.\* These were issued in November 1880,\*\* and provided that the price of the fee simple in rural sections of not less than 200 acres should be 10 shillings per acre. A bonus of 500 acres in fee simple was offered to the person or company producing tropical or semi-tropical products, with an additional 500 acres to the first two persons who earned the bonus. The minimum areas of pastoral leases were 50,000 acres with a river frontage and 20,000 without, the leases to extend to the end of 1893. The rent was to be 10 shillings per 1000 acres, on condition that before the expiry of two years from the date of the lease each 1000 acres was to be stocked with two head of cattle or twenty sheep.

(\*Footnote. Votes and Proceedings of the Legislative Council 1880 Paper Number 20 containing dispatch Governor Robinson to Earl of Kimberley 25 June 1880 enclosing copy of proposed regulations and cable from Lord Kimberley 26 August 1880 generally approving. See also Earl of Kimberley to Sir William Robinson 14 September 1880 directing slight alterations.)

(\*\*Footnote. The regulations were published in Western Australian Government Gazette 21 September 1880 and were regazetted with slight alterations as directed on 29 November 1880.)

In 1882 these special regulations were included in a revision of the land regulations generally, when certain modifications were made in those published in 1878.\* Instead of four the colony was divided into five districts, Kimberley being the fifth. The limit of two years for stocking in the Kimberley district was increased to three,\*\* but no drastic alterations were made in the general regulations.

(\*Footnote. Western Australian Government Gazette 1882 pages 357 to 384.)

(\*\*Footnote. Land regulations 1882 clause 73.)

These regulations were condemned without hesitation by the Commissioner of Crown Lands (John Forrest) in 1883, who pointed out\* that the right of free and unfettered selection by purchase permitted, if it did not compel, leaseholders to buy up the springs and waterholes on their leases in order to secure their runs from outside purchasers. The result was that the whole country was being spoiled by small fee-simple locations being dotted all over it. It would have been better, he considered, to have given leaseholders reasonable protection and longer leases if necessary, but not a preemptive right over any portion of them. When necessity arose, the squatter should be required to give way to the agriculturist, but until that state of things actually happened, he should be made secure in his lease. A committee, of which Forrest was a member, was appointed in 1883 to consider the matter, and recommended,\*\* though not unanimously, that the squatter should be entitled to a renewal of his lease for a further term. As the recommendation meant leasing the land until 1901 at the same rent as was paid at the beginning, considerable diversity of opinion was shown,

but in the result the principle of renewal in the case of Kimberley pastoral leases was conceded by the Legislative Council\*\*\* and approved by the Secretary of State.\*\*\*\*

(\*Footnote. Western Australian Parliamentary Debates volume 8 pages 266 to 267.)

(\*\*Footnote. Votes and Proceedings of the Legislative Council 2nd session 1883 Paper A12.)

(\*\*\*Footnote. Western Australian Parliamentary Debates volume 8 pages 310 et seq, 400 to 410.)

(\*\*\*\*Footnote. Western Australian Government Gazette 1884 page 389.)

Though these two matters--the Tariff Act and Land Regulations--constituted the bulk of the legislative work during these years, the Government was particularly active in the direction of immigration and of public works, especially railways. Provision for encouraging immigration had been made in the land regulations, but had not achieved any distinct result; the growth of industries and the development of an export trade, which might reasonably have been expected to bring new people, had not done so; neither did any influx follow the cessation of transportation. Not only were these causes looked to as a means for bringing about a satisfactory addition to the population from outside; they were reasons why such addition was necessary. The cessation of convicts meant that ticket-of-leave men were not available to supply the labour market; the development of industries could not proceed without labour; and land settlement could not be extended unless farmers with some means and agricultural experience could be induced to make Western Australia their home. Other means having failed, the suggestion of assisting immigration was mooted in 1873, and in 1874, after some discussion, the Legislative Council authorised the Governor to spend such an amount as he might consider necessary for immigration purposes, 1000 pounds of it to be spent in bringing out Chinese or Javanese coolies.\* Steps were at once taken to carry out the purpose of the vote, and between 1875 and 1877 nearly 2000 persons were brought to the colony at a cost of about 15,000 pounds.\*\* To hold them after they arrived, it was provided that each adult immigrant of the labouring class would, after two years' residence, be entitled to select up to 50 acres of the unimproved Crown lands open to selection, while those between the ages of sixteen and twenty-one were allowed 25 acres. No family could, however, receive in the aggregate more than 150 acres. Certain improvements had then to be effected within three years to secure the fee simple.\*\*\* The inducements, however, do not seem to have proved sufficiently strong. A large proportion of those assisted, attracted no doubt by the superior advantages and more settled conditions of the eastern colonies, made their way thither, and it became evident that practically Western Australia was paying away money to increase the population of Victoria and New South Wales. To prevent this, all immigrants landed after 1876 were, at the suggestion of Governor Robinson, compelled to enter into an agreement to remain for three years in the colony or refund the whole of their passage money.\*\*\*\* Even with this restriction the number of people who arrived was far from satisfactory, and in 1878 it was decided to spend 4500 pounds in obtaining Chinese or coolie labour, and 2500 pounds on European immigrants.\*\*\*\*\* On account of the opposition manifested towards the idea,\*\*\*\*\* only a few Chinese were imported, and those under a three years' contract.

(\*Footnote. Votes and Proceedings of the Legislative Council 1874 pages 58 to 59 and 71 and Paper A4.)

(\*\*Footnote. Western Australian Blue Books 1875 to 1877.)

(\*\*\*Footnote. Votes and Proceedings of the Legislative Council 1874 report of Select Committee Paper A4.)

(\*\*\*\*Footnote. Western Australian Parliamentary Debates volume 1 page 3.)

(\*\*\*\*\*Footnote. Ibid volume 3 pages 131 to 136.)

(\*\*\*\*\*Footnote. Inquirer 3 July 1878.)

The conduct of these was deemed by some to be so satisfactory that it was proposed to spend an additional 2000 pounds in 1879 on the introduction of others. This was very warmly debated, and though ultimately approved by the Council\* was never carried out, as Governor Ord, evidently impressed by the arguments of the Opposition, considered the introduction of contract aliens would be extremely unsatisfactory. The general question of introducing Chinese into Australia was considered at an inter-colonial Conference held in Sydney in 1881, at which Chief Justice Wrensfordsley represented Western Australia. Though instructed not to enter into the discussion,\*\* he unofficially pointed out that a policy of non-introduction which suited Victoria and South Australia might not be agreeable to either Queensland or Western Australia, both of which had tropical areas to develop.\*\*\* The Conference, being strongly opposed to the importation of Chinese into Western Australia, decided to refer the matter to the Secretary of State,\*\*\*\* who replied that he would require definite information of serious injury to the eastern colonies to justify him in interfering with the arrangements of the Western Australian Government.\*\*\*\*\* Other immigration was not successful; any increase through arrivals was more than counterbalanced by departures; the population, which in 1878 stood at 28,166, had only reached 31,700 in 1883, an increase which the births would fully account for.\*\*\*\*\*

(\*Footnote. Western Australian Parliamentary Debates volume 4 pages 7 and 146 to 152.)

(\*\*Footnote. Votes and Proceedings of the Legislative Council 2nd session 1881 Paper Number 12.)

(\*\*\*Footnote. Ibid page 8.)

(\*\*\*\*Footnote. See Minutes of Proceedings of the Conference in New South Wales Votes and Proceedings of the Legislative Assembly 1880 to 1881 volume 1 page 353.)

(\*\*\*\*\*Footnote. Earl of Kimberley to Sir W. Robinson 11 May 1881.)

(\*\*\*\*\*Footnote. Statistical Summary Appendix 4.)

Even if it did not in every way give that satisfaction which was expected from it, representative government certainly justified its establishment by the energy with which it undertook a progressive public works policy, more especially in the direction of railway extension. The Geraldton to Northampton line, the first Government line in the colony, was, after many vicissitudes caused through the questions of gauge and unexpected expenditure, opened for traffic in 1879. Before that was accomplished it had also been decided to construct a line from Fremantle to Guildford through Perth, to form the first section of a trunk line to the eastern districts. It was originally



suggested that this line should be built by a private company, the Government guaranteeing 6 per cent interest on the capital for a term of years.\* The Secretary of State\*\* did not look with favour upon the proposal, as in so many cases of private construction of national utilities the ultimate burden fell upon the public purse, and often meant larger outlay than would have occurred in case of Government construction. He intimated that he would be prepared to authorise a loan for the purpose if he were satisfied as to the necessity for the line and were furnished with an estimate of the cost. The Governor replied\*\*\* that the Director of Public Works (J.H. Thomas) had prepared estimates showing that a line along the south bank of the river would cost 99,121 pounds, as against 87,098 pounds for one on the northern side, and that the estimated balance of profit upon working, after paying interest and expenses, would be over 12,000 pounds. As usual in such cases, a battle of routes was entered upon, and after much discussion the northern route was fixed, and a contract for the work let to John Robb, of Adelaide, for 74,591 pounds.\*\*\*\* The first sod was turned on a spot near the present Perth station by Governor Ord on 3 June 1879. The railway was formally opened by Governor Robinson on 1 March 1881, and up to the end of the year earned a profit of 105 pounds over and above expenses and interest.

(\*Footnote. Votes and Proceedings of the Legislative Council 1875 to 1876 Paper A5. See also Sir W. Robinson to Earl of Carnarvon 16 February 1876 Votes and Proceedings of the Legislative Council 1876 Paper Number 1.)

(\*\*Footnote. Earl of Carnarvon to Sir W. Robinson 19 June 1876 *ibid* 1876 Paper Number 9.)

(\*\*\*Footnote. Sir W. Robinson to Earl of Carnarvon 6 June 1877 *ibid*.)

(\*\*\*\*Footnote. Western Australian Government Gazette 1879 page 101.)

Its failure to earn more was due principally to the continued popularity of river carriage for the transport of goods. The total cost of construction, exclusive of surveys, was 127,935 pounds.\* The loan of 200,000 pounds authorised in 1878 having been floated at 4 1/2 per cent it was determined to continue the line eastward in the hope of securing better returns for the Guildford to Fremantle section. The question of route again became a matter of moment. Three were advocated--one to Northam by way of Spencer's Brook, a second to the same destination by way of Chidlow's Well, and a third via Chittering to Newcastle. The Council finally authorised the construction of a line to Chidlow's Well\*\*\* and then on to York,\*\*\*\* and loans for 150,000\*\*\*\*\* and 254,000 pounds\*\*\*\*\* were raised for the work.

(\*Footnote. Votes and Proceedings of the Legislative Council 1882; Public Works Report Number 18.)

(\*\*Footnote. *Ibid*.)

(\*\*\*Footnote. 44 Victoria Number 18.)

(\*\*\*\*Footnote. 46 Victoria Number 16.)

(\*\*\*\*\*Footnote. 44 Victoria Number 22.)

(\*\*\*\*\*Footnote. 46 Victoria Number 22.)

In the case of the first loan, money was required for other purposes in addition to the railway. Through some error in the method of bookkeeping, a false idea of the state of the finances existed. In 1876 Mr. Lefroy (Acting Colonial Secretary) assured the

Council that there was a surplus of over 26,000 pounds,\* and a portion of this money was devoted to the erection of the Eucla telegraph line. In 1879 it was asserted by Mr. Parker that the figures were wrong, and that as a matter of fact there was a deficiency in 1876. An examination of the accounts proved that he was partly right, that in 1876 there was only a credit on general account of 3909 pounds, and that at the end of 1879 there was a deficit of 79,897 pounds.\*\* This was reduced by July 1881 to 59,844 pounds, and with the help of an improved revenue and the repayment of sums properly chargeable to loan account, the ledger was balanced by the end of July 1882.\*\*\*

(\*Footnote. Western Australian Parliamentary Debates 1876 page 135.)

(\*\*Footnote. Votes and Proceedings of the Legislative Council 1879 Paper Number 33; 1880 Papers Numbers 14 and A15.)

(\*\*\*Footnote. Western Australian Parliamentary Debates volume 7 page 2.)

Meanwhile tenders for the second section of the line--from Guildford to Chidlow's Well--had been called, and that of J. Wright for 53,043 pounds accepted.\* Certain private lands had to be resumed, and this caused some slight delay, but the work was started in the following March. The construction was pursued with as much rapidity as straitened finances would allow, and the line was opened in March 1884, the actual cost being 95,940 pounds.\*\* To pay for this and provide money for the further extension to York, another loan of 254,000 pounds at 4 per cent was authorised by the Council in 1882. Clayton T. Mason, then acting as Commissioner of Railways, estimated the whole cost of the Guildford to York section at 192,350 pounds, which proved to be not far wide of the mark, as the tender for the Chidlow's Well to York section was let to Edward Keane in 1883 at 105,312 pounds.\*\*\* The whole line from Fremantle to York was opened for traffic at the end of June 1885,\*\*\*\* and though the expectations of greatly increased revenue were not at first realised, there is no doubt that the railway cheapened production and assisted very materially in the development of all the eastern districts.

(\*Footnote. Western Australian Government Gazette 1882 page 11.)

(\*\*Footnote. Western Australian Parliamentary Debates volume 9 pages 2 and 139.)

(\*\*\*Footnote. Western Australian Government Gazette 1883 page 443.)

(\*\*\*\*Footnote. Report on railways 1885 Votes and Proceedings of the Legislative Council 1886.)

From returns showing imports and exports for the period 1875 to 1883,\* it is evident that apart from the increased facilities, which followed railway construction, there was a general development in the industrial affairs of the colony. It will also be seen that the colony until 1883 held its position as an exporter rather than an importer, a fact of no little moment in a consideration of its financial condition, especially as, during all these years, enormous quantities of material for railways and telegraphs had necessarily to be imported. The list of chief exports, with their value, tabulated in the Summary, shows that wool, timber of various kinds, and pearls and pearl shell still continued to be the principal items, minerals rapidly diminishing in value until they became almost a negligible quantity for the time.

(\*Footnote. Statistical Summary Appendix 4.)

The one omission of importance from the list of exports is the item comprising wheat, grain, flour, and agricultural produce generally. Unfortunately the blight that had overtaken farming since 1869 still continued, and the area under crop remained stationary or showed a slight decrease. This, in conjunction with the increase of population, made the importation of flour, grain, and other produce a necessity, and from 1875 to 1883 the value of these commodities imported reached some hundreds of thousands of pounds.\* In other avenues of trade and industry, however, notwithstanding a temporary depression in revenue between 1876 and 1880, solid progress was being maintained in every direction except the raising of lead and copper ore, where the cost of production, in face of a falling market, made mining operations less and less lucrative.

(\*Footnote. Western Australian Blue Books 1875 to 1883.)

Pearling, particularly during the years 1875, 1876 and 1879,\* yielded a rich harvest, in spite of the many disastrous storms and the restrictions placed by the Government upon the employment of natives and Malays as divers. That these restrictions were necessary is quite evident from the many recorded instances of cruelty and ill-usage. Though pearlers were nominally compelled by the Pearling Act to observe certain conditions in the treatment of their divers, supervision in such out-of-the-way places was rather lax, and there were not wanting disreputable traders whose only aim was to get every possible ounce of work, short of actually killing him, out of the unfortunate native who had signed on as a diver for the period of twelve months allowed by the Act.\*\* So unhealthy were the conditions under which the divers worked, and so cruel their treatment by unscrupulous white masters, that the Dutch Government at Timor was compelled to make regulations governing the conditions under which Malays could be secured for the trade.\*\*\* It must not for a moment be thought that all white pearlers were guilty of inhuman treatment, but the reputation of the pearling industry suffered greatly from the acts of those who were, and every effort was made to formulate conditions of employment stringent enough to include the worst cases. An inspector of Pearl Shell Fisheries was appointed\*\*\*\* to see that the Act was carried out, and by that officer's vigilance considerable improvement in the treatment of native divers was effected.

(\*Footnote. Statistical Summary Appendix 4.)

(\*\*Footnote. Inquirer 28 April 1875; Proceedings of the Legislative Council 8 December 1875 Inquirer 15 December 1875.)

(\*\*\*Footnote. Ibid 25 August 1875.)

(\*\*\*\*Footnote. Western Australian Government Gazette 1879 page 350.)

The most serious trouble that the industry had to face was the loss of life and damage to property resulting from the periodical cyclones which swept over the pearling grounds. In 1876\* one of these storms caused the loss of four schooners with practically the whole of their crews, and a still more severe visitation in 1881 wrecked over a dozen boats and was responsible for a serious loss of life. In this case the storm was accompanied by a tidal wave, said to have been 30 feet in height, which submerged Twin Islands and materially altered the position of the various shoals and

banks, while the wind travelling up the Ashburton River did considerable damage among the stations in the locality. Fortunately these storms, which still cause great loss and suffering amongst the pearling fleets, are restricted in operation, and consequently the whole extent of the fisheries, which spread from Shark Bay along the north-west coast, is never devastated at the one time.

(\*Footnote. Inquirer 12 January 1876.)

A new source of export during these years was found in the guano deposits on the islands off the north-west coast. Some attempt had, it will be remembered, been made in 1850 to turn these deposits to profitable account, but without success, and practically nothing further was heard of them until 1876. In that year an American named Roberts landed at the Lacepede Islands from a French vessel, and claimed them as an American possession on the ground that they were more than a league from the mainland. Some time previously the Western Australian Government had given a Melbourne firm (Poole, Picken & Co) permission to remove the guano, with which the island abounded, on payment of a royalty of 10 shillings a ton. Vessels were at the time being loaded by Geddes, the firm's representative. Roberts, on the authority of the American Consul at Melbourne, laid claim to the cargoes of these vessels, a claim which Geddes strongly disputed. Geddes then proceeded to Roebourne to complain to the Government Resident, and being sworn in as a special constable returned to attach the French vessel chartered by Roberts, who publicly proclaimed American sovereignty over the islands and asked for 30,000 pounds as compensation. The Government Resident, untroubled by any question of sovereignty, fined Roberts 100 pounds, and ordered the captain of the French barque to pay the costs. The captain discreetly sailed for Fremantle, and having paid the royalty of 10 shillings per ton, made off with the cargo for Mauritius.

(\*Footnote. Inquirer 12 January 1876.)

The next step was taken by the American Consul. One of Poole, Picken & Co's boats, carrying guano, arrived at Melbourne and was attached on behalf of the American Government, instructions being given to take the same action at Mauritius in regard to the French barque. The Consul then visited Perth to discuss matters of compensation. Arrangements were made for remitting the question of sovereignty to the governments concerned, Roberts being in the meantime permitted to load guano on payment of the royalty, such royalty to be refunded if his contention was upheld.\* The American Government at once admitted that the Consul's claim was without foundation,\*\* and the only result of the whole proceedings was a good advertisement for the guano industry. To prevent the recurrence of trouble, legislation was passed in 1876\*\*\* dealing with trespassing on Crown lands, which the Secretary of State approved, though he considered the penalties for illegally removing guano were very severe.\*\*\*\* The amount of guano exported from the Lacepede Islands during 1878 and 1879 was very large, but unfortunately for the Government the supplies were not inexhaustible. A contract was made with Beaver & Co to take away a certain number of full cargoes, but when the time for fulfilment of the contract arrived it was found that only inferior guano remained, and not sufficient of that to load the ships. In consequence, the firm claimed compensation, and a Select Committee of the Council appointed in 1881 awarded 6968 pounds, remarking that the Government was entirely to blame and had been guilty of a want of business acumen that deserved to be called

by a harsher name.\*\*\*\*\* During 1881 and 1882 no guano at all was exported, but the trade was revived in 1883 by Charles E. Broadhurst,\*\*\*\*\* who secured a lease of the Abrolhos Islands, on which were large deposits of phosphatic guano, and continued to export until 1904, when the lease expired, and further export was prohibited.

(\*Footnote. Inquirer 6 and 20 September, 4 and 25 October, 1 November 1876.)

(\*Footnote. Earl of Carnarvon to Robinson 5 December 1876 and 31 May 1877. See also Votes and Proceedings of the Legislative Council 1877 Paper Number 15.)

(\*\*\*Footnote. 40 Victoria Number 9.)

(\*\*\*\*Footnote. Earl of Carnarvon to Robinson 7 March 1877.)

(\*\*\*\*\*Footnote. Votes and Proceedings of the Legislative Council 1881 Paper A13.)

(\*\*\*\*\*Footnote. Ibid 1901 to 1902 volume 4 Paper A21.)

The trade in sandalwood reached its highest point of development during this period;\* thereafter it began to decline, but its place was more than taken by the increasing demand for hardwood timbers, which were being recognised as perhaps the best possible woods for certain classes of work, as they were impervious to the attacks both of whiteants and sea-worms. New mills were opened and the old ones extended, and the foundations of the enormous trade which has since been developed were laid. Tramways and other means of transport were provided, and greater endeavours made to meet the demands of a continually increasing industry.

(\*Footnote. Statistical Summary Appendix 4.)

The pastoral industry, to the success and development of which Western Australian progress was still chiefly indebted, received an immense impetus through the discovery of the Kimberley pastoral country in 1879 as a result of an exploratory trip made by a party under the leadership of Alexander Forrest. Forrest was instructed to examine, map out, and report upon the country between the De Grey River in Western Australia and the Victoria River in the Northern Territory.\* Leaving the De Grey River Station on 25 February, he reached Beagle Bay on 10 April, and started upon the actual work of the expedition. Proceeding eastward to King Sound he followed the Fitzroy River for some distance, finding it deep and rapid, and then tried to penetrate the rugged passes of the Leopold Range. Realising this to be an impossibility, he was compelled to go round and steer a course up the valley of the Margaret River, discovering on the journey the well-watered Nicholson Plains, which he deemed the finest part of Western Australia he had seen. Still keeping an eastward course he came to the Ord River, which seemed likely to repay examination, but want of provisions and sickness amongst the party compelled him to make all speed for the overland telegraph line, which he struck at Daly Waters Station in the beginning of October,\*\* after much suffering and privation.

(\*Footnote. Votes and Proceedings of the Legislative Council 1879 Paper Number 1.)

(\*\*Footnote. Ibid 1880 Paper Number 3 Journal of expedition.)

Forrest reported that about 25 million acres were suitable for pastoral development or tropical agriculture, while at Beagle Bay there was a good site for a township. The country along the Fitzroy was liable to floods during the wet season (from December to March) but from the river across to the South Australian border this drawback did not exist, though the whole area was well watered.\* The scientist (Mr. Hill) found traces of copper, and hazarded the opinion (to be afterwards confirmed) that gold would probably be found among the ranges and toward the head waters of the Fitzroy.\*\*

(\*Footnote. Votes and Proceedings of the Legislative Council 1880 Paper Number 3 Journal of Expedition page 40.)

(\*\*Footnote. Ibid page 43.)

The discoveries made by this expedition were of the greatest possible importance to the colony, and the opening up of the Kimberley district for pastoral and grazing purposes, which resulted from the reports made by Forrest, marks a new era in the development of Western Australia. Good country such as this could not remain unused, and the Government was besieged with inquiries as to the conditions under which settlement would be permitted. These conditions were set out in the special land regulations for the Kimberley district issued in November 1879, to which reference has already been made. Though the regulations were not considered entirely satisfactory, they did not prevent extensive occupation of the territory during the succeeding years. Within the tropics, and a long distance from the settled areas, life in the Kimberleys was even more trying than in the North-West district, but the land was richer and results more certain; consequently many were found to endure the trials, and their endurance was rewarded with success.

Settlers were attracted from all parts of Australia, but more particularly from Victoria. Pastoral associations to work portions of the land were proposed, and though they were generally abandoned, private settlement spread rapidly. Large selections were made in 1880, and in 1881 leases to the extent of 5.5 million acres were taken up, an amount which, though large, was, according to the Surveyor-General's report, more than trebled by June of the following year.\* To make an accurate survey of these leases, many of which were larger than some European principalities, was out of the question. The course adopted was to fix prominent points and to make traverses of the rivers, so that the work partook largely of the nature of exploration.\*\* So actively was it carried out that in July 1883 the Colonial Secretary reported to the Legislative Council that lands to the extent of 47,928,080 acres were leased and were producing an annual rental of 19,716 pounds.\*\*\* The Surveyor-General (John Forrest) visited the district in the same year and furnished an interesting report on the progress of settlement. From it we learn that there were at the time eight stations in the Kimberleys, employing some fifty-two white men besides numbers of natives.\*\*\*

(\*Footnote. Ibid 1882 Paper Number 12.)

(\*\*Footnote. Information supplied by the Under Secretary for Lands.)

(\*\*\*Footnote. Western Australian Parliamentary Debates volume 8 page 37.)

This, although the principal factor in the expansion of the pastoral industry, was by no means the only one. Development of a satisfactory nature was taking place in the

North-West (Gascoyne) district, which would have shown even better results than were apparent had it not been for the repeated occurrences of cyclonic storms. Some of these, particularly those of 1881 and 1882, caused considerable damage to stations on the Ashburton and to the districts round Roebourne and Cossack, on one holding alone over 1000 sheep being destroyed.\*

(\*Footnote. Western Australian Year Book 1902 to 1904 page 43.)

Strenuous efforts were also made to settle pastoralists in the Eucla district, concerning which very favourable reports had been received. The great drawback was the absence of permanent water. This reduced the chances of success to a minimum. Artesian boring it was thought might overcome the difficulty, but there was little inclination to undertake the expense, especially as ample land of the same quality was available in districts not by any means so arid.\*

(\*Footnote. Western Australian Parliamentary Debates volume 8 pages 453 to 454 and 503 to 511; volume 9 pages 318 to 319.)

Exploration during these years was practically limited to the expedition of Alexander Forrest, which has been already referred to, and to the success of which the opening up of the valuable Kimberley district was due. A surveying trip was, however, made through the same district in 1883 by a party of which John Forrest was the leader.\* Landing at Roebuck Bay they examined most of the Kimberley division. From La Grange Bay they made their way to the Fitzroy River and tested the country as far as St. George's Range, finding it to consist in the main of well-elevated, richly-grassed, and well-watered plains. Round the lowest part of the Ord River the land was equally good. In the course of their travels the party examined the Fitzroy, Margaret, May, Lennard and Richenda Rivers, and made surveys of the country through which they passed. With them was the Government Geologist (E.T. Hardman) who compiled a valuable geological map of the district, and reported that there were indications, in various parts, of the existence of gold.\*\* The surveying work was continued in 1884 under the command of H.F. Johnston, and the triangulation from Mount Pierre to the junction of the Negri and Ord carried out.\*\*\* The course was some distance to the south of Alexander Forrest's track in 1879, and led to the discovery of several rivers and watercourses, among them being Hall's Creek, upon which is located the township of that name, the headquarters of the East Kimberley goldfields. Hardman's second report regarding the possibility of gold discoveries was confirmatory of his former one.\*\*\*\*

(\*Footnote. Forrest, J. Report on Kimberley District Votes and Proceedings of the Legislative Council 1883 2nd session Paper 23.)

(\*\*Footnote. Hardman, E.T. Report on the Geology of the Kimberley District in Votes and Proceedings of the Legislative Council 1884 Paper Number 31.)

(\*\*\*Footnote. Votes and Proceedings of the Legislative Council 1884 Paper Number 15 pages 18 to 20.)

(\*\*\*\*Footnote. Hardman, E.T. Report on the Geology of the Kimberley District in Votes and Proceedings of the Legislative Council 1885 Paper Number 34.)

In the year 1883 an expedition was also undertaken by W.J. O'Donnell and W. Carr-Boyd. Starting from the overland telegraph line, they crossed in the direction of Roebourne, and added further areas to the already large amount of good country discovered in the Kimberley district.\*

(\*Footnote. Western Australian Year Book 1902 to 1904 page 83.)

The existence of the convict system was rapidly drawing to a close, and in 1886 the establishment was disbanded and the few remaining convicts handed over to the control of the Colonial Government.\* The Comptroller-General and all the organised machinery disappeared, and the Sheriff of the colony and the local prison system took their places. Most of the convicts had served their terms and were free men in Western Australia or other places. The few remaining became ordinary prisoners until such time as they had completed their terms. Road parties and other convict bands vanished from the country districts, and only the buildings and a few dissolute and debauched paupers remained to show that Western Australia had ever suffered from the harassing effects of a penal colony. Long years before its actual disestablishment it had disappeared from the place of importance it formerly held, but there still remained various matters of administration that required settlement before the colony could be said to be wholly free. From the inception of the convict system, the proportion which the Imperial Government should contribute towards the expenditure upon the police and magistracy had been a matter of contention. In 1853 an arrangement was arrived at under which the Home authorities agreed to pay 1000 pounds a year towards the expenses of the magistracy and two-thirds of the cost of maintaining an efficient police force, with a maximum contribution of 6000 pounds. This arrangement held for a number of years so far as the proportion was concerned, but the actual amount paid from the British Treasury at the time of the cessation of transportation was considerably over 15,000 pounds. The largeness of the sum attracted attention in 1864, when it was suggested that the Imperial proportion be reduced to one-half, but in view of the contemplated cessation of the system consideration was deferred until after that event had taken place. Either by accident or design the question was not raised again until 1877, when Governor Robinson proposed that the sum should be 15,000 pounds for 1877/8, and should decrease by a certain amount annually until 1893, in which year it would expire. The assistant Comptroller-General recommended as an alternative that there should be an immediate drop to 10,000 pounds and a diminution of 1000 pounds a year until 1887, when the contribution would finally cease.\*\* Neither of these suggestions quite met the view of the Lords of the Treasury, who decided\*\*\* that the grant for 1877/8 should be 14,000 pounds, that it should sink by 1000 pounds a year till 1883/4, and then by 2000 pounds annually until 1887/8, when--twenty years after transportation had come to an end--it would cease altogether. The terms were in themselves fair and equitable; the sting lay in the concluding portion of the dispatch; "My lords have only to add, in regard to both these grants-in-aid for magistrates, police, and chaplains, that payment of them will depend absolutely upon the colony not being given...responsible government. If such form of government be insisted upon, all payments will cease."\*\*\*\* The Treasury also proposed to disband the pensioner force, as its continuance seemed unnecessary since all the remaining prisoners were confined in Fremantle Jail. On further consideration, however, it was decided to retain the services of the pensioner guard until 1887.\*\*\*\*\* The terms, or rather the conditions attached to them, were not altogether palatable to the local authorities, but



it was ultimately agreed to adopt them, and thus another phase of convict administration automatically came to an end in 1888.

(\*Footnote. Western Australian Parliamentary Debates 1886 page 5.)

(\*\*Footnote. Treasury to Colonial Office 6 April 1877 in Earl of Carnarvon to Sir Harry Ord 21 November 1877.)

(\*\*\*Footnote. Ibid.)

(\*\*\*\*Footnote. Treasury to Colonial Office 6 April 1877 in Earl of Carnarvon to Sir Harry Ord 21 November 1877.)

(\*\*\*\*\*Footnote. Ibid.)

In the meantime the various establishments necessary to a convict system had by arrangement been transferred to the colonial authorities. The pensioner force, which it had been decided should continue till 1887, was disbanded in 1880, and in its place a contribution of 4000 pounds was made toward the cost of maintaining order. In 1883 the Lunatic Asylum, built originally for the care of insane convicts, was handed over to the colony, a payment of 42 pounds per annum per head being made for each convict lunatic. In the same year negotiations were commenced for the transfer of the prison itself. This building, erected to hold 600 men, contained only seventy-five at the time, and the Governor suggested that the Colonial Government should accept control in return for an annual payment of 45 pounds for each Imperial convict and the transfer to the colony, free of charge, of all buildings and stores remaining under the charge of the Comptroller-General. At the same time Imperial officers were to be pensioned by the Home authorities and allowed, without loss of pension, to accept office under the local Government.\* The Secretary of State (Sir William Harcourt) asked in reply that the Legislative Council should submit definite terms.\*\* A committee was appointed in 1884 to consider these, and in its report,\*\*\* dated 13 July 1885, advised that the terms suggested by the Governor be adhered to, with the addition that the Imperial Treasury should pay the cost of the water police between 1881 and 1885. The date suggested for the transfer was 31 December 1885. The Secretary of State, after some hesitation, approved of the terms generally, and the transfer was effected on 31 March 1886.\*\*\*\* There were at the time barely 200 convicts remaining, and less than half of these were under actual control, the rest being at liberty under ticket-of-leave or conditional pardon. Those in prison were of the type likely to remain a charge upon the colony, and, as a matter of fact, after gaining their liberty had to be maintained in the Old Men's Depot. From 1886 they, with the colonial prisoners, were employed pumping water from wells within the prison enclosure in order to provide an efficient water supply for Fremantle. Thus, after thirty-six years' existence, an end was put to the colony's Esau-like method of improving its position.

(\*Footnote. Correspondence respecting the transfer to the colony of the Imperial Convict Establishment Votes and Proceedings of the Legislative Council 1884 Paper Number 22.)

(\*Footnote. Sir W. Harcourt to Governor 21 July 1884.)

(\*\*Footnote. Votes and Proceedings of the Legislative Council 1885 Paper Number 25.)

(\*\*\*Footnote. Western Australian Parliamentary Debates volume 11 page 5.)

(\*\*\*\*Footnote. Inquirer 19 and 26 April and 8 November 1876.)

The only incident of interest in connection with the Establishment itself during these years was the escape of six Fenian prisoners in 1876.\* This was effected through the instrumentality of an American (John Collins)\*\* assisted by Captain Antony of the American whaler Catalpa. Arriving at Fremantle late in 1875 Collins secured employment in a carriage factory, and quietly made himself thoroughly conversant with the methods of the Convict Establishment and the nature of the country to the south of Fremantle. Through the medium of a Fenian expirée he was brought into communication with six Fenian convicts who, on account of their good behaviour, were not subjected to strict supervision. A favourable moment for escape arrived when the Catalpa put in to Bunbury. By arrangement the six men left Fremantle in buggies on 18 April 1876 for Rockingham. When their departure became known they were hotly pursued by the police, who found on arrival at Rockingham that the convicts had been picked up by a whaleboat in waiting. The Catalpa being the only whaler known to be on the coast, the police returned to Fremantle and put off in the police-boat in search of her. After sighting her they fell in with the steamer Georgette, also in search, and learned that the Catalpa had been spoken to, but denied having convicts on board. Deciding to watch, they saw the whaler move northward, and on following observed a whaleboat making toward her. An exciting chase ensued, but the police were unsuccessful in preventing the Catalpa from picking up the boat and had to return to Fremantle. The Georgette was then sent out armed in the hope of meeting the whaler in territorial waters. The two ships met outside Rottnest. The Superintendent of Police demanded the convicts and threatened to fire. The captain of the Catalpa denied that any convicts were on board, and quietly pointed to the American flag. The police, chagrined, had to return empty-handed to Fremantle, after intimating that the United States Government would be communicated with. Governor Robinson forwarded a full account to the Secretary of State,\*\*\* who after investigating the circumstances decided that the matter was not one for diplomatic negotiations, and the Fenians remained under the United States flag. No doubt the British Government was not displeased to get rid so easily of men who, after all, were only political prisoners.

(\*Footnote. Inquirer 19 and 26 April and 8 November 1876.)

(\*\*Footnote. See note at end of chapter.)

(\*\*\*Footnote. Robinson to Earl of Carnarvon 19 April and 15 May 1876.)

The natives in the north-west and in the far south-east still continued to give considerable trouble, though the more enlightened methods pursued in regard to them and the earnest endeavours to conciliate them were not without effect. If these methods had been pursued by the squatters without exception, the natives would possibly have shown a disposition to be friendly. Cases of ill-treatment of their fellow-aborigines and more particularly of abuse of their women were, however, not unknown, and these occurrences roused the desire for retaliation. Unfortunately, the sufferer was often some innocent shepherd or selector who had not even a knowledge of the crime for which he was being called upon to bear the burden.

In 1881 and 1882 serious allegations of depredations by natives in the Murchison district were made by the squatters, and Mr. Robert Fairbairn was sent by the

Government to make inquiries. He found that the losses suffered were in many instances greatly exaggerated, and were usually due to either laxity of supervision or laxity of morals on the part of the white settlers. Thefts were only to be expected where sheep and cattle were placed in the care of native shepherds far away out in the bush, while reprisals were not to be wondered at when white settlers failed to let the native women and girls alone. Mr. Fairbairn's report,\* though unpalatable to many of the settlers who desire to be a law unto themselves, was warmly approved by the Governor, who was anxious to put a stop to the intercourse that was going on.

"Their women," he wrote, "are surely as valuable to them as our flocks and herds are to us, and so long as we outrage those feelings which human nature has planted in a greater or less degree in even the most savage breast, what right have we to expect that they will respect the property of the aggressor? What right have we to be surprised when we hear that a native, "sulky" with a shepherd for taking his woman away, has put the white man to death? Let us set them a good example, and then, perhaps, we may talk of the iniquity of their proceedings--proceedings which, after all, considering the utter savages we are dealing with, have not been so black as they are painted."\*\*

(\*Footnote. Votes and Proceedings of the Legislative Council 1882 Paper Number 33.)

(\*\*Footnote. Ibid page 13.)

How to put a stop to the practises that were going on was, however, a difficult question. Some attempt to solve it was made by increasing the police protection and by appointing an itinerant magistrate (Mr. Foss)\* with power to deal with cases of wrongdoing as they arose. This had some effect in reducing the trouble within limits, but it was impossible to put an end to it. Cases of native depredation and murder and of intercourse between white and black continued to occur, and are not unknown even now, though the march of civilisation and a more enlightened public opinion have brought their number down to a minimum.

(\*Footnote. Western Australian Government Gazette 1882 page 321.)

The population of the whole colony at the end of 1883 was only 31,700\*--an increase of less than 5000 during the eight years under review--not more than that of an ordinary English town. More than half of these were resident in the towns and villages, which clamoured for recognition as duly organised municipalities. Perth, with a population of about 5000, was raised to the dignity of a mayoralty in 1881; Fremantle became a corporation in 1883, and others followed shortly afterwards.

(\*Footnote. Statistical Summary Appendix 4.)

In ecclesiastical affairs, outside the general development resulting from a progressive community, little of moment occurred beyond the resignation of Bishop Hale in 1875 and the appointment of Bishop Parry as his successor, under whose episcopate the foundation-stone of the present St. George's Cathedral was laid in 1880.

Note. It is not generally known that "John Collins" was really John J. Breslin, a prominent Fenian, at one time Chief Hospital Warder in Richmond Bridewell,

Dublin. In 1865 he arranged the escape of James Stephens, the leader of the Fenians, from that prison, and at the time that he was being received as *persona grata* by the convict officials at Fremantle, the British police authorities were offering a large reward for information that would lead to his arrest.

## **CHAPTER 14. 1883 TO 1890. GOVERNOR BROOME'S ADMINISTRATION.**

**LAND REGULATIONS.**

**TARIFF REVISION.**

**FINANCES.**

**RESOURCES, INDUSTRIES, AND TRADE.**

**PUBLIC WORKS: RAILWAY AND TELEGRAPH EXTENSION.**

After the departure of Sir William Robinson in February 1883, the Chief Justice, Sir Henry Wrensfordley, administered the Government until June, when the new Governor (Sir Frederick Napier Broome) arrived. With a short recess from November 1884 till June 1885, during which he visited England for the purpose of floating a public works loan of 525,000 pounds, that officer held the reins until the end of 1889, when he returned to London, leaving Sir Malcolm Fraser in charge. Sir Malcolm continued to act as administrator until October 1890, when Sir William Robinson was again appointed Governor and entrusted with the task of inaugurating responsible government in the colony.

Governor Broome arrived at the time when settlement in the north and north-west was rapidly extending, and agitation for more liberal land regulations was becoming more pronounced, aided and furthered by the known opinions of the Commissioner of Crown Lands, Mr. John Forrest. In order to delay any further alteration, the Governor in 1884 suggested that as a general election was pending it would be unwise for an expiring Council to take so important a question into consideration.\* When the new House met in July 1885, he deprecated any unnecessary interference with the regulations, but pointed out that as many of the older leases were coming to an end the time might be opportune for a reconsideration of the whole subject.\*\* He was no doubt assisted toward this decision by a complete scheme for a more liberal system which Mr. Forrest had put forward just previously.\*\*\* The object of this scheme was, as the Commissioner stated, to settle population--"a bold peasantry"--on the soil; to see the country utilised and occupied; to encourage the agricultural progress of the colony; and, while doing this, to give as much security as possible to the pastoral tenant, especially in centres not suited for agricultural development.\*\*\*\* To do this he advised that the tenure of leases be extended, that improvements be compulsory, and that rents be reduced. Governor Broome was doubtful about the wisdom of some of these recommendations, but remitted them in full to the Council in order that the fullest possible consideration might be given to the whole question. The Legislative Council appointed a Select Committee\*\*\*\*\* to report upon the proposals.

(\*Footnote. Western Australian Parliamentary Debates volume 9 page 2.)

(\*\*Footnote. Ibid volume 10 page 32.)

(\*\*\*Footnote. Votes and Proceedings of the Legislative Council 1885 Paper 29.)

(\*\*\*\*Footnote. Votes and Proceedings of the Legislative Council 1885 Paper 29 pages 9 to 10.)

(\*\*\*\*\*Footnote. Western Australian Parliamentary Debates volume 10 pages 95 to 99.)

The report of his committee,\* which was not on all points unanimous, was considered later in the year, but final discussion was postponed till the following session.\*\* During the recess the Governor gave the committee's draft close consideration, and when the time came for discussion upon it in 1886 was prepared with certain amendments. These were considered in conjunction with the draft, and certain of them adopted. Other alterations were made, and the whole draft regulations, thus amended, were then passed\*\*\* and forwarded by the Governor for approval of the Secretary of State.\*\*\*\* This was given in due course,\*\*\*\*\* and on 2 March 1887 the new regulations--the most liberal and satisfactory yet framed--were proclaimed.\*\*\*\*\*

(\*Footnote. Votes and Proceedings of the Legislative Council 1885 Paper A14.)

(\*\*Footnote. Western Australian Parliamentary Debates volume 10 pages 390 to 391.)

(\*\*\*Footnote. Ibid volume 11 page 556.)

(\*\*\*\*Footnote. Sir Napier Broome to Secretary Stanhope 12 November 1886.)

(\*\*\*\*\*Footnote. Sir Henry Holland to Broome 14 January 1887.)

(\*\*\*\*\*Footnote. Western Australian Government Gazette pages 127 to 166.)

Under them land could be acquired, subject to certain conditions of residence and improvement, upon very easy terms, and pastoral leases could be secured without the harassing limitations that had previously existed. The colony was divided into six districts--the South-West, Gascoyne, North-West, Kimberley, Eucla, and Eastern. The South-West comprised the originally settled areas in the south-western portion of the colony, and the Eastern district comprised the central portions. Eucla was formed into a division in the hope that the inducements offered would bring about settlement in the far south-east.

Town and suburban allotments in all divisions were to be sold by public auction, at such upset price as the Governor in Council deemed reasonable, and any prospective purchaser could apply to have a surveyed allotment put up for auction on depositing 10 per cent of the upset price. Land in the South-West district, which was recognised as the agricultural portion of the colony, could be obtained under four different modes of conditional purchase: (1) by deferred payment, with residence, within agricultural areas; (2) by deferred payment, with residence, outside agricultural areas; (3) by deferred payment, without residence, irrespective of the location; and (4) by direct payment. The Governor in Council had power to declare agricultural areas of not less than 2000 acres. No one could secure selections of less than 100 or more than 1000 acres, the price being determined by the Governor, but not to be less than 10 shillings per acre, payable in twenty annual instalments of 6 pence per acre. On the approval of any application a licence was in the first instance granted for five years, the licensee being compelled to reside upon the land within six months and to fence the whole selection within the five years. Provided the conditions were carried out, a lease was then granted for fifteen years, and the Crown grant could be secured during its currency or on its termination, on proof that improvements to the value of the purchase money had been made and the full purchase money paid. In case the

applicant did not intend to reside, the cost was 20 shillings per acre instead of 10 shillings and the yearly payments 1 shilling in place of 6 pence per acre. The other conditions necessary to secure the full grant were the same. Under the fourth mode a maximum area of 1000 acres within and 5000 without an agricultural area might be secured at a price fixed by the Governor in Council. The land had to be fenced within three years, and improvements to the value of 5 shillings per acre effected within five years. Garden land in plots of from 5 to 20 acres could be secured at 20 shillings per acre on the condition that the plot was fenced and one-tenth of it planted with vines, fruit, or vegetables within three years. In the other districts the area that could be secured on conditional purchase was not less than 100 or more than 5000 acres, the price and conditions being the same as in the declared agricultural areas.

Squatting leases were granted for twenty-one years at a rental that varied according to the district and the class of land. The rental for every 1000 acres was: South-West division, in blocks of not less than 3000 acres 20 shillings; Gascoyne and Eucla divisions, in blocks of not less than 20,000 acres 10 shillings for each of the first seven years, 12 shillings and 6 pence for the second seven, and 15 shillings for the third; North-West division, in blocks of not less than 20,000 acres 10 shillings, 15 shillings, and 20 shillings for each year of the three periods; Eastern division, in blocks of not less than 20,000 acres 2 shillings and 6 pence, 5 shillings, and 7 shillings and 6 pence; Kimberley division, in blocks of not less than 50,000 acres with river frontage and 20,000 without, 10 shillings, 15 shillings, and 20 shillings. The Kimberley squatter (if within five years he had placed ten sheep or one head of cattle for every 1000 acres upon his run) and the Eucla squatter (if he had fulfilled the same condition or had spent 8 pounds per 1000 acres upon water conservation) could obtain a reduction of rent to the extent of one-half for the first fourteen years; while in all divisions except the South-West double rent was imposed where the stocking conditions were not carried out within seven years. Mining leases (not auriferous) could be secured over lots of from 20 to 200 acres on payment of 5 shillings per acre yearly rent, the leases to run for seven years and to give way to a Crown grant when machinery to the value of 3 pounds per acre had been erected. New timber regulations were also provided, and the Government was permitted, with the approval of the Legislative Council, to make concessions of land in return for the construction of railways, the establishment of industries, or the promotion of settlement. These land regulations, with trifling amendments, remained in force for many years.

As soon as the land regulations were settled in 1886, the question of tariff revision called for attention. Since 1882 no change had been made in the customs duties except to impose a special charge of 20 shillings per pound upon opium. The burden upon the finances, however, due principally to the borrowing policy necessitated by railway extension, began to be so heavy that means had to be sought to increase the revenue. As in the past, indirect taxation through the customs was considered the most feasible method, especially as, in the opinion of several members of the Council, it had the effect of fostering local industries. A tariff commission appointed in 1887 recommended a general increase "to promote the establishment of new industries and encourage the development of industries and manufactories already established."\* A Tariff Bill was introduced in December 1887, and in the course of its passage through the House, Alexander Forrest, the leader of the few who acknowledged themselves to be protectionists, succeeded in increasing the duties on livestock in order TO PROTECT the local grower.\*\* The new tariff, which was assented to in 1888,

materially increased the duties all round, and was an undoubted admission that the future policy of the colony must be one of protection.

(\*Footnote. Votes and Proceedings of the Legislative Council 1887/8 Paper Number 4.)

(\*\*Footnote. Western Australian Parliamentary Debates volume 13 pages 76 to 77.)

An Agricultural Commission was also appointed in 1887 to consider the whole question of agricultural development, and suggest, if possible, a means of ending the stagnant condition into which the industry had certainly fallen during the previous fifteen years, during which the acreage under crop had for all practical purposes remained stationary. The members of the Commission made a close study of the subject, and their report, published in 1891,\* forms a valuable record of the progress of agriculture in the colony. They expressed the opinion that though agriculture as a pursuit had not all the elements in its favour necessary to make it a thoroughly prosperous industry, Western Australia under a fair system of farming was not behind the other colonies in the productivity of certain soils. "Close observers of cause and effect," says the report, "will be able to trace many conditions under which agricultural pursuits have suffered, but these conditions are incidental to the peculiar circumstances of the colony; its early settlement, its isolation from general commercial intercourse with the other colonies; to the absence of those attractions which have taken people past our shores to the sister colonies; and are not directly traceable to any inherent infertility of soil."\*\*\* Stagnation in enterprise was attributed to the absence of cash sales, and the establishment of a barter system which provided only a precarious market and not one likely to stimulate production. The commissioners also drew attention to the question of bonuses such as those in operation in Victoria, to State aid to farmers, and to all matters likely to be of assistance in the development of farming or the diffusion of agricultural knowledge.\*\*\*\*

(\*Footnote. Votes and Proceedings of the Legislative Assembly 1891/2 Paper Number 1.)

(\*\*Footnote. Votes and Proceedings of the Legislative Assembly 1891/2 Paper Number 1 page 3.)

(\*\*\*Footnote. Ibid pages 12 to 15.)

(\*\*\*\*Footnote. Statistical Summary Appendix 4.)

The industry seems to have received some slight impetus in the two years following the publication of the report, but it was not until many years later that agriculture in the colony began to receive that serious attention to which its importance and the capabilities of the soil entitled it. But though increasing requirements made further taxation necessary, and though no assistance was received from the great primary industry, the returns of the revenue and expenditure of the colony from 1883 to 1890\* prove that the public finances were in a distinctly healthy condition.

(\*Footnote. Statistical Summary Appendix 4.)



The indebtedness under loan authorisations had, it is true, grown from nothing at the establishment of representative government to 1,367,444 pounds at the end of 1890. This was a fairly heavy burden for a population of 46,290\* persons to bear, but as the greater part of it was invested in reproductive works, which, if not revenue producing, at least met the working expenses and interest, the weight of debt did not press too heavily. When, however, the ordinary income failed to meet the expenditure in 1887, Governor Broome thought it necessary to sound a note of warning concerning new expenditure. "Loans," said he, "cannot be looked upon as a remedy for depression or as a substitute for real progress and development."\*\* This fact was impressed upon the Government in the following year when a further deficit occurred. The Governor asked for approval for an additional loan, a portion of which was to be used to recoup revenue account, some 50,000 pounds advanced to meet capital charges.\*\*\* To this the Secretary of State refused his sanction, but agreed to the issue of Treasury Bills for 50,000 pounds.\*\*\*\* The returns for 1889, however, showed a balance on the side of revenue which went a long way toward adjusting the accounts.

(\*Footnote. Ibid.)

(\*\*Footnote. Western Australian Parliamentary Debates volume 13 page 3.)

(\*\*\*Footnote. Broome to Lord Knutsford 23 July 1888.)

(\*\*\*\*Footnote. Telegram Lord Knutsford to Broome 18 September 1888.)

The comparative statement of imports and exports from 1883 to 1890 is not so reassuring (see Statistical Summary). In every instance the value of imports was greater than that of exports, showing that the colony had lost its position as an exporter. This was in part due to the fact that the discoveries of gold at Kimberley and Yilgarn had attracted considerable increase in population, consisting chiefly of miners or those interested in mining. These had at least to be fed and clothed, and this necessitated larger importations of foodstuffs. An examination of the schedules of imports\* shows that in every year the excess of value in imports is represented practically by the amount paid to outside sources for agricultural produce--commodities that the colony itself could easily have produced in abundance, and probably would have done but for the lethargic condition into which the farming industry had fallen, a condition from which not even the existence of so excellent a market at their very doors seems to have aroused the farmers.

(\*Footnote. See Western Australian Blue Books 1883 to 1890.)

In other avenues of industry there was steady progress. Wool, pearls and pearl shell, sandalwood, timber, guano, and lead and copper ores continued to form the principal articles of export, wool accounting for nearly half the total value, and pearls and pearl shell averaging over 100,000 pounds a year for the years 1886 to 1890.\* In 1887 another of those distressing storms to which the North-West is so subject swept over the pearling areas, carrying ruin and disaster with it, and flooding a large part of the Kimberley district. In the course of the tempest it is estimated that from 150 to 300 persons, mostly Malays, perished.\*\*

(\*Footnote. Statistical Summary Appendix 4.)

(\*\*Footnote. West Australian 29 April 1887.)

Turning from financial matters to questions affecting the internal policy of the colony, it may be mentioned that early in the eighties were heard the first whisperings of that desire which twenty years later was realised in the establishment of the Australian Commonwealth. In 1880, at the instance of Sir Graham Berry, a conference of representatives of New South Wales, Victoria, and South Australia was held in Melbourne to discuss the question of border duties. Other questions of wider importance being raised, it was decided to adjourn the conference till January 1881, and invite representatives from all the colonies. Western Australia being a Crown colony, the only one remaining in Australia--the Cinderella of the group, as Sir William Robinson with curious foresight termed her--it was impossible to send from there a representative with power to speak upon any subject with finality, as all doings of the local Government were subject to Imperial approval. This difficulty was explained, and it was finally agreed that Chief Justice Wrensfordsley should attend as delegate from Western Australia for the purpose of watching the proceedings and expressing an opinion on behalf of the colony, on the understanding that such opinion would be subject to the approval of both the local and Imperial governments. The principal matter affecting Western Australia that was dealt with was the erection, at the joint expense of all the colonies, of a lighthouse on Cape Leeuwin, but from a general standpoint the importance of the conference lay in the introduction by Sir Henry Parkes of the Federal Council of Australia Bill, really a proposal for a modified form of federation.\* Owing to general lack of interest in the subject the Bill lapsed at the time, but its proposer had sounded a new note in Australian politics--one destined to have far-reaching results. A further convention was held in Sydney in 1883,\*\* when the proposal to establish a Federal Council for Australia was approved. The necessary provisions to enable Western Australia to become a member of the Council were passed by the Legislative Council in 1884, and during 1885 the Federal Council Act\*\*\* was passed and came into operation at the close of the year. As all the colonies did not join in the scheme its usefulness was considerably restricted, but it helped to pave the way for the wider movement which followed, and which was foreshadowed by Governor Broome when proroguing the Legislative Council in 1885.\*\*\*\*:

"It will be a matter for congratulation in the future that the Legislature of Western Australia has from the first heartily supported a scheme which, as I believe, will in the course of time result in uniting the whole of this portion of the Empire in a political organisation similar to that which has given strength and greatness to the Dominion of Canada."

(\*Footnote. Minutes of proceedings of Conference. In New South Wales Votes and Proceedings of the Legislative Assembly 1880/1 volume 1 pages 327 et seq.)

(\*\*Footnote. New South Wales Votes and Proceedings of the Legislative Assembly 1883/4 volume 9.)

(\*\*\*Footnote. 49 Victoria Number 24.)

(\*\*\*\*Footnote. Western Australian Parliamentary Debates volume 10 page 401.)

The first meeting of the Council was held at Hobart in January 1886, J.G. Lee Steere, a member of both the Executive and Legislative Councils, being commissioned to

represent Western Australia. Its deliberations were confined chiefly to simplifying legal processes between the colonies and facilitating legal proof of official documents. Defence was also considered, and on the motion of Lee Steere it was agreed that King George's Sound and Torres Strait should be fortified for the general protection of the continent.\*

(\*Footnote. Journals and Papers of the Federal Council of Australasia volume 1 page 27.)

A second session of the Federal Council was held at Hobart in 1888, when the only question of importance discussed was one relating to the Queensland beche-de-mer fisheries.\*

(\*Footnote. Ibid volume 2.)

In addition to this movement a Colonial Conference was held in London in April 1887, in order to give the representatives of the colonies an opportunity of discussing matters of general import with the Imperial Government. The delegates from Western Australia were John Forrest and Septimus Burt.\*

(\*Footnote. Instructions Votes and Proceedings of the Legislative Council 1887 paper A3.)

Although Sir Frederick Broome displayed many qualities of statesmanship in dealing with large issues, more particularly those arising during the latter portion of his term, his internal administration was marred by repeated disagreements with prominent officials and others who occupied important positions in the community. A man of strong will, he resented any apparent encroachment upon his functions, and was inclined to reject, upon many points, the advice of those whose intimate local knowledge fully qualified them to venture an opinion. With the Surveyor-General, John Forrest, he was continually in conflict, and that the official generally got his way was probably due to the fact that he possessed the same qualities as the Governor in an even more marked degree. The Attorney-General (A.P. Hensman) next incurred the Governor's opposition, and deemed it wise, after justifying his own position, to retire from the Executive.\* The most serious disagreement took place between the Governor and the Chief Justice, Mr. (afterwards Sir) A.C. Onslow. Mr. Onslow was not then sole judge, Mr. (afterwards Sir) Edward A. Stone having been appointed Puisne Judge in 1883. The trouble began to assume a serious aspect in 1884, and was perhaps influenced to some extent by the relations between the Governor and Mr. Forrest. The Chief Justice had on one occasion declined to advise the Governor upon an *ad misericordiam* appeal for a remission of sentence. Sir Frederick Broome, doubting the stand taken by Mr. Onslow, referred the point to the Secretary of State for the Colonies (Sir Henry Holland) who decided that the Judge was right in the particular case, but that it was his duty to advise upon petitions other than *ad misericordiam*. Certain other petitions were now referred by the Governor, but Mr. Onslow again refused to advise, and appealed to the Secretary of State. Pending a reply to his communication he unwisely retained possession of the petitions and refused to allow the Governor to have access to them. The Governor then charged the Chief Justice with detaining important State documents in disobedience to direct orders, and called upon him to show cause why he should not be suspended. The

Judge thereupon returned the petitions and forwarded the whole correspondence to the Press.\*\*

(\*Footnote. Inquirer 31 March 1886. See also 14 September 1887.)

(\*\*Footnote. Ibid 14 September 1887; West Australian 15 September 1887.)

In September 1887 the correspondence was published,\* showing that Mr. Onslow had made serious accusations against the Governor to the Secretary of State. "I ask you," he wrote, "to consider the position in which I am placed. Is it possible for me to satisfactorily carry on the administration of justice if I am perpetually to be exposed to the harassing and insulting treatment which for so long a time I have met with at the hands of Sir F.N. Broome?"\*\*\* Sir Frederick Broome, naturally incensed, declared the statements were untrue, and called upon the Chief Justice to withdraw them in writing within a given time. In reply the Judge took up the attitude that the matter was in the hands of the Secretary of State, and that the Governor could not legally take any action. Governor Broome, however, was not the type of man to sit down tamely and wait. The Executive Council was appealed to, and the Chief Justice was informed that he must retract or he would be suspended.\*\*\*\* Continuing to be recalcitrant, Mr. Onslow was "interdicted" by the Governor from exercising the functions of his office,\*\*\*\* and Mr. G.W. Leake was appointed Acting Chief Justice. By this time the dispute had become a matter of public concern. The legal fraternity expressed their sympathy with the deposed official, and the public generally took sides for and against. A public meeting held in Perth indignantly demanded the removal of the interdict and the recall of the Governor, whom it considered to have been guilty of "a gross interference with the independence of the Bench and an attack upon the liberties of the people."\*\*\*\*\* To conclude the proceedings, which must have been fairly interesting in themselves, a torchlight procession was formed and the Governor burnt in effigy.\*\*\*\*\* Similar meetings were held in the other centres of population. That the unofficial portion of the community should favour the Chief Justice is not surprising. From the date of the colony's foundation there had practically been two sections in the community, the Governor and the officials forming the one and the ordinary population the other. Every Governor had fallen more or less under the ban of popular displeasure. In this case it was more pronounced because, probably, something in the nature of a reason existed.

(\*Footnote. Ibid.)

(\*\*Footnote. Onslow to Sir Henry Holland 6 September 1887.)

(\*\*\*Footnote. Minutes of Executive Council 12 September 1887.)

(\*\*\*\*Footnote. Western Australian Government Gazette 15 September 1887.)

(\*\*\*\*\*Footnote. West Australian 19 September 1887.)

(\*\*\*\*\*Footnote. Ibid.)

Governor Broome, undeterred by ebullitions of popular feeling, called a meeting of the Executive Council for 5 December, and summoned Mr. Onslow to show cause why he should not be suspended. That gentleman demanded that, as the proceedings would be of the nature of a criminal trial, the case should be heard in public, and that he should be allowed to employ counsel. These requests were refused, and he

declined to appear. The Council met as summoned, and decided to suspend the Chief Justice on half-pay.\*

(\*Footnote. West Australian 7 December 1887; Western Australian Government Gazette 8 December 1887.)

Public feeling became more acute after this second development. The West Australian supported the cause of the Governor, while the Inquirer, true to its traditions as an opposition journal, sympathised with the Chief Justice. Early in 1888 information was received that the Secretary of State had referred the whole matter to the Privy Council,\* the decision of which was received by cable in the following May.\*\* The three phases of the dispute were considered in turn. On the first the Privy Council was of opinion that there was not sufficient ground for a formal charge against the Chief Justice, though he had certainly acted indiscreetly in refusing to return the documents, on the second the decision stated that though, through irritation apparently arising from the first charge, the Chief Justice had used improper language in his correspondence with the Governor, there were no adequate grounds for a charge intended to lead to suspension; on the third the Council looked much more seriously, inasmuch as the correspondence referred to, and the letter to the Secretary of State, couched in language of great animosity to the Governor, had been handed to the newspapers for publication, together with confidential information which the Chief Justice had not the right to give. Taking these facts into consideration, the Committee of the Privy Council had some hesitation in not confirming the suspension, but as no moral laxity in the exercise of his judicial functions was imputed to the Chief Justice, it decided to remove the suspension, at the same time remarking that the relations between the Governor and the Chief Justice must be prejudicial to the colony, and if continued would lead to deplorable results.\*\*\* The Privy Council decision having been confirmed by Order in Council and the suspension removed, Mr. Onslow took his seat on the bench as Chief Justice on 15 May amid the congratulations of the Bar, voiced by Mr. Hensman. Unfortunately, this was not the end of the trouble. Several libel actions pending against Harper and Hackett, the proprietors of the West Australian, were tried before the Chief Justice. Mr. A.P. Hensman, who had been the advocate for Mr. Onslow all through the dispute with the Governor, obtained damages against the newspaper, and an application for a new trial was refused. There being only two judges, in case of a disagreement between them in Full Court cases, the opinion of the Chief Justice carried the day. Another libel action (referred to later) brought by the reverend J.B. Gribble, was also tried by the Chief Justice, who was accused of showing partiality toward the plaintiff.

(\*Footnote. Telegram Colonial Office to Broome 24 January 1888; Dispatch Sir Henry Holland to Broome 26 January 1888.)

(\*\*Footnote. Lord Knutsford to Broome 10 May 1888.)

(\*\*\*Footnote. Lord Knutsford to Broome 11 May 1888 enclosing Privy Council judgment and Order in Council confirming it.)

From these and other instances the proprietors of the newspaper were convinced that Mr. Onslow's decisions were not impartial. They therefore drew up two documents, couched in similar language--the one a petition to the Legislative Council\* and the

other a memorial to the Secretary for the Colonies.\*\* The concluding paragraph, practically the same in both, shows how acute the position must have been:

"For nearly five years have we suffered as we have set forth. Our business, our properties, our reputations are imperilled. The baser kind of journalist and public speaker assails us confidently and with impunity. We cannot obtain justice in the Supreme Court. Persecuted, plundered, and insulted, we are helpless and without relief before the chief tribunal of our Queen. To Your Honourable House (Your Lordship) we appeal to aid in ending a state of things which is a scandal to the Bench, a menace to the welfare of the colony, and a dishonour to the Crown."

(\*Footnote. Votes and Proceedings of the Legislative Council 1888 Paper A1.)

(\*\*Footnote. Ibid 1889 Paper Number 4.)

The petition to the Legislative Council, which asked that the Governor be requested to appoint a third judge, was presented by Mr. Parker. After a long and not always courteous debate it was decided to refer it to the Chief Justice for his answer.\* When that was received, further consideration was deferred, pending the reply of Lord Knutsford to the memorial. Mr. Onslow about the same time forwarded his side of the case to the Secretary of State,\*\* accusing Harper and Hackett of making "outrageous and malicious statements."

(\*Footnote. Western Australian Parliamentary Debates volume 14 pages 59 et seq.)

(\*\*Footnote. Onslow to Lord Knutsford 27 October 1888 Votes and Proceedings of the Legislative Council 1889 Paper Number 4.)

In January 1889 the Executive Council held an exhaustive inquiry\* into the whole matter in the presence of the parties, but came to no decision, preferring to leave the question, which was really of a judicial character, to the Colonial Office. The Secretary of State then requested the Legislative Council to consider it,\*\* and lengthy resolutions were carried\*\*\* by that body to the effect that in certain cases the Chief Justice had used language not becoming the dignity of his office, and had shown decided sympathy with the plaintiff in the Gribble case, which ought to have been left to the second judge; that there was no reason to impugn His Honour's integrity of purpose, but that his warm, impulsive temperament led to hasty and unconsidered condemnation; and that as the community had been divided into hostile camps over the matter, peace and harmony could not be hoped for so long as Mr. Onslow remained in the position of Chief Justice. These resolutions were forwarded to Lord Knutsford, who replied that the Executive Council should complete the proceedings by suspending or acquitting.\*\*\*\*

(\*Footnote. Votes and Proceedings of the Legislative Council 1889 Paper Number 4 pages 75 et seq.)

(\*\*Footnote. Western Australian Parliamentary Debates volume 15 pages 254 to 255.)

(\*\*\*Footnote. Ibid pages 313 to 335.)

(\*\*\*\*Footnote. Telegram Lord Knutsford to Broome 15 March 1889.)

The Executive Council declined the responsibility,\* and decided to forward the whole matter to the Secretary of State.\*\* At the same time the Chief Justice applied for and obtained leave of absence to visit England,\*\*\* where he remained until 1891. Shortly after Mr. Onslow's departure the Secretary of State considered the whole question and decided that there was no justification for his removal,\*\*\*\* and he returned to take up his position again as Chief Justice of the colony, to the apparent satisfaction of everyone and without any signs of a recurrence of the old trouble. Meanwhile Sir Frederick Broome's term of office had come to an end, and a third judge, Mr. A.P. Hensman, was appointed shortly after Mr. Onslow's return.

(\*Footnote. Telegram Broome to Lord Knutsford 22 March 1889.)

(\*\*Footnote. Ibid 6 April 1889.)

(\*\*\*Footnote. Western Australian Government Gazette 11 April 1889.)

(\*\*\*\*Footnote. Lord Knutsford to Broome 11 July 1889.)

The Gribble case referred to above rose out of an article published in the *Inquirer*\* and a lecture delivered in Perth by the reverend J.B. Gribble on the ill-treatment and cruelty meted out to the aborigines in the Gascoyne district.\*\* Mr. Gribble had travelled the district for some months as a missionary, and was deeply impressed with the unsatisfactory condition of affairs. His enthusiasm, and perhaps lack of judgment, led him to make serious accusations against the squatters without due consideration of all the circumstances. These utterances were strongly resented, and resolutions condemnatory of them were passed by the Legislative Council.\*\*\* That they had, however, some effect is shown by the passing, during the year, of an Act for the protection of the aborigines, providing for the punishment of those guilty of offences against the natives.\*\*\*\* The Act was not wholly successful, and the Governor in the following year expressed a desire to amend it.\*\*\*\*\*

(\*Footnote. *Inquirer* 13 January 1886.)

(\*\*Footnote. Ibid 16 June and 23 June 1886.)

(\*\*\*Footnote. Western Australian Parliamentary Debates volume 11 pages 582 et seq.)

(\*\*\*\*Footnote. 50 Victoria Number 25.)

(\*\*\*\*\*Footnote. Western Australian Parliamentary Debates volume 12 page 3.)

Notwithstanding the resolutions of the Council, Mr. Gribble continued on every possible occasion to reiterate his views.\* The West Australian then published an editorial reflecting upon his character, terming him a liar and a canting humbug.\*\* In return the missionary instituted proceedings for libel. Contrary to ordinary practice it was decided that the two judges--the Chief Justice and Mr. Justice Stone--should sit together, without a jury, to hear the case. The trial lasted a month, and the verdict was not given till some weeks afterwards. The decision declared that the defendants had proved their plea of justification and were entitled to a verdict. The proprietors of the newspaper, however, considered that though the Chief Justice gave a verdict for them he delivered judgment in favour of the plaintiff, and his action in the matter was made one of the charges in the petition and memorial presented against him.\*\*\*

(\*Footnote. See e.g. Daily Telegraph Melbourne 9 July 1886.)

(\*\*Footnote. West Australian 24 August 1886.)

(\*\*\*Footnote. Petition of Harper and Hackett in Votes and Proceedings of the Legislative Council 1888 Paper A1.)

Matters such as the foregoing are, however, only of passing interest. The outstanding features of permanent value to the development of the colony and of paramount importance in its history were the progressive public works policy; the gold discoveries at Kimberley and Yilgarn; and the successful consummation of the long-continued agitation in favour of responsible government.

The financial results of the railways in operation up to the end of 1885 had by no means equalled the expectations--on the Eastern line there was a profit of 65 pounds and on the Geraldton to Northampton line a loss of 899 pounds--but the convenience afforded convinced both the Government and the public that further extension was necessary. Proposals had been made to build branches on the land-grant system from the main line to the various agricultural and pastoral centres, but the Government, no doubt keeping in mind the Secretary of State's opinion, decided that any extensions or branches must be part of the Government policy. This decision did not, however, refer to suggestions then in the air to build a railway on the land-grant system from Albany to Beverley or York, thus connecting with the existing eastern line. When these suggestions came to be considered as practical proposals it was found that the concessions asked for the York to Beverley portion were too great to be granted, and the Legislature therefore passed an Act authorising the construction of this section from loan funds. The contract was let to Mr. Edward Keane, the price being 59,878 pounds, on 21 April 1885, and the line was opened in August 1886. In order to give equal facilities to Northam and Newcastle, and so bring the whole of the then existing agricultural area within reach of the railway, it was decided in 1886 to throw out a branch from Spencer's Brook to Northam, and in 1887 from Clackline to Newcastle. The first of these was opened for traffic in October 1886, and the second in January 1888. Authority was also given for the construction of a line from Geraldton to Greenough and of a tramway from Roebourne to Cossack. These were opened in 1887.\*

(\*Footnote. Western Australian Year Book 1902 to 1904 page 756.)

The desire to build railways to almost every township and village in the colony, irrespective of the results likely to accrue, seems to have actuated many of the colonists during these years. Suggestions, mostly on the land-grant or other principle advantageous to the proposers, were made to connect Busselton, Albany, Eucla, Geraldton, and even the far north by railway with Perth. Most of the suggestions were, wisely, not heeded by the Legislature, but a Parliamentary Committee advocated the construction of a line through Pinjarra to Busselton by a private company under a guarantee of interest.\* The Council itself listened favourably to the proposal,\*\* but the Secretary of State vetoed it.\*\*\*

(\*Footnote. Votes and Proceedings of the Legislative Council 1887 Paper A20.)



(\*\*Footnote. Western Australian Parliamentary Debates volume 12 pages 428 et seq.)

(\*\*\*Footnote. Sir Henry Holland to Broome 11 November 1887.)

The idea of a land-grant railway to connect Albany with the terminal of the eastern railway was first mooted in 1880, and in reply to Governor Robinson\* the Secretary of State promised to give Imperial sanction to any scheme proposed by responsible and competent persons the terms of which were advantageous to the colony.\*\* In September 1881, the Colonial Secretary requested the Legislative Council to vote 600 pounds for the purposes of securing information about the country through which the line would pass, and of bringing the idea before English capitalists. The Surveyor-General (Mr. Fraser) suggested in a report\*\*\* "that in consideration of European capitalists constructing a railway of a similar class to the New Zealand lines (3 feet 6 inches) and undertaking the settlement of not less than, say, 5000 people in the colony, the Crown should grant in fee two million acres of land, to be selected by them between Beverley and King George's Sound."

(\*Footnote. Robinson to Earl of Kimberley 9 June 1881.)

(\*\*Footnote. Earl of Kimberley to Robinson 27 July 1881.)

(\*\*\*Footnote. Surveyor-General to Governor 29 January 1881 in Votes and Proceedings of the Legislative Council 1881 Paper Number 24.)

Offers to construct the line were quickly forthcoming. In January 1882 Mr. Jules Joubert, on behalf of a syndicate in the eastern colonies, proposed to build and equip the line and hand it over to the Government by the end of 1885 on the following terms: The contractors to introduce not less than 2000 European immigrants, who should accept land in part payment for their services; the Government to grant to the syndicate in fee 10 million acres, one-half along the line of railway, one-fourth east of the line towards the South Australian border, and the other fourth westward toward Geographe Bay. The cost of construction was estimated at 1 million pounds.\* The Governor, who favoured the acceptance of the offer, submitted it to the Council, which after long consideration decided that the offer was not in the best interests of the colony, and wisely declined it.\*\*

(\*Footnote. Votes and Proceedings of the Legislative Council 1882 Paper Number 1.)

(\*\*Footnote. Western Australian Parliamentary Debates volume 7 page 340.)

The next proposal came from Mr. Audley Coote,\* who, on behalf of a Tasmanian syndicate, offered to build the line provided the Government would guarantee 3 1/2 per cent interest on 1 million pounds for twenty-five years. The net profit above 7 per cent on capital was to be divided between the Government and the syndicate, the former to have the option of purchase at any time on giving one year's notice. Much as the Western Australians desired the railway, they were not prepared to assent to terms so one-sided, and the Council without much ado rejected the proposal.\*\*

(\*Footnote. Votes and Proceedings of the Legislative Council 1882 Paper A8; 1883 session 1 paper A1.)

(\*\*Footnote. Western Australian Parliamentary Debates volume 8 pages 5 to 6.)

Three other offers on behalf of separate syndicates were put forward during the following year.\* The most important of these was that made by Mr. Anthony Hordern on behalf of a syndicate, which, after amendment, was ultimately accepted by the Government. Mr. Hordern offered\*\* to construct, equip, maintain, and work a line of railway from York to Albany upon the same gauge as the Government railways, the line to be completed within five years from the date of acceptance of the conditions. In return the syndicate asked for alternate blocks of land in sections of 12,000 acres along the line of route for every mile of railway construction, the grants to be made upon the completion of each 20 miles, with the option of selecting land south of Perth and east and south of York, when the land along the route was unsuitable. To enable this to be done the Government was to withdraw from sale for eight years all land within ten miles of either side of the line. The syndicate also asked for the privilege of declaring alternate town-sites along the route, and for the admission of all materials of construction free of duty and free of railway freight charges. The syndicate further proposed, after completion of the York to Albany section, to continue the line on the same terms along the western seaboard northward to Cambridge Gulf, and conjointly with the scheme to introduce 50,000 European immigrants, for doing which they would require 120 acres for each adult and 60 acres for each child over fifteen years of age.

(\*Footnote. Ibid page 69.)

(\*\*Footnote. Votes and Proceedings of the Legislative Council 1883 session 1 paper Number 3.)

Mr. Hordern's proposal was referred forthwith by Governor Robinson to a committee with instructions to make full inquiry into the matter. This committee reported in March.\* In the first place the members pointed out that most of the land between York and Beverley was already alienated, and that it was impossible to compensate with grants of land any syndicate for constructing a railway between those places. Such a line ought to be built by the Government, and Beverley made the starting-point for any proposed land-grant railway to Albany. In regard to Mr. Hordern's proposal the committee considered that the route should be fixed by the Government, and no deviation that would lengthen any section of 20 miles by more than three permitted without the approval of the Government Engineer; that the permanent way and rolling stock should be equal to that used on Government lines; that one train should start from either end daily, the tariff being subject to Government approval; and that materials for construction be admitted duty free, but freight at a reduced rate charged for carriage over Government lines. So far as the provisions for land grants were concerned, the committee advised that all alienated land within thirty miles of the railway on either side be withdrawn from sale until the full amount agreed upon had been assigned to the syndicate, which should have power to declare town-sites along the route; that 12,000 acres for each mile constructed was fair compensation, but that it must be selected in blocks of not less than 60,000 acres within the limits set out by the committee, and that 25 per cent of the land should not be handed over until the satisfactory completion of the contract. With regard to the immigration proposals, the committee felt that there was not sufficient information to warrant their immediate acceptance, but advised that the syndicate should be paid 10 pounds per statute adult

for 5000 immigrants, to be introduced within five years from the commencement of the railway.

Following upon this report Mr. Hordern submitted an amended proposal,\* practically embodying the conditions laid down by the committee, but suggesting in addition that upon the agreement being signed the syndicate should be allowed 240,000 acres, representing the first twenty miles of the line, so that land might be immediately available for immigrants and workmen. The idea of building a line to Cambridge Gulf was dropped, but the large immigration scheme was further urged at considerable length. The question of a transcontinental railway between Perth and Port Augusta on the land-grant principle was also raised, but at a later date it was admitted that there was no chance at the time of making any arrangement with the South Australian Government.\*\*

(\*Footnote. Votes and Proceedings of the Legislative Council 1883 2nd session Paper A3.)

(\*\*Footnote. Sir J. Vogel and A. Hordern to Crown Agents 28 February 1884 in Votes and Proceedings of the Legislative Council 1884 Paper A14.)

In the meantime two other offers to construct the Beverley to Albany--known as the Great Southern--line were received by the Government. Colonel McMurdo offered to construct the line to Albany and thence to the border of South Australia in return for a grant of 10,000 acres per mile (to be selected in alternate blocks along the line) and power to issue mortgage bonds to the value of 4000 pounds per mile upon which the Government should guarantee 3 1/2 per cent interest for thirty years. In lieu of taxes, stamp duties, and other charges the Government was to receive 10 per cent of the net earnings yearly. The syndicate also agreed to introduce forty selected immigrants for each mile of the lines.\* (\*Footnote. Votes and Proceedings of the Legislative Council 1883 2nd session Paper Number 18.)

A more ambitious scheme was put forward by Sir Julius Vogel and Mr. Audley Coote. They offered to build a railway from Beverley to Eetakup, and thence easterly and northerly to Eucla, skirting the coast as surveys to be made might suggest. The conditions were in the main those laid down by the committee, the most important exceptions being that trains should be run twice a week until additional services should be required to connect with mail steamers, and that twelve years be allowed for the completion of the work. An amended proposal offered as an alternative a line from York through Hampton Plains to Eucla. The syndicate also proposed to undertake the improvement of Fremantle Harbour in return for payment partly in land and partly in debentures, or wholly in debentures.\*

(\*Footnote. Votes and Proceedings of the Legislative Council 1883 2nd session Paper A15.)

The three proposals were referred by the Legislative Council to a Select Committee, which recommended\* that negotiations be entered into for the construction of two lines: (1) from Beverley to Albany and (2) from York through the Hampton Plains to Eucla. These routes were likely to be most beneficial in promoting the internal development of the colony, and the latter would be the most direct for communication with the eastern colonies. Recognising that the completion of a line through Eucla to

Adelaide would possibly make Fremantle the terminal port of call for mail steamers, and that in such case harbour facilities would be required there, the committee inclined toward the proposal submitted by Sir Julius Vogel and Mr. Coote.

At this stage Governor Broome asked for and obtained permission for the Government to conclude negotiations, on the understanding that if radical alterations were made in the terms they would have to be ratified by the Legislative Council. The receipt of Mr. Hordern's amended proposals made it necessary to appoint a further Select Committee. The report of his committee\* favoured the schemes of Sir Julius Vogel and Mr. Hordern, but as the South Australian Government had shown itself opposed to a transcontinental line on the land-grant principle, the York to Eucla section was allowed to drop.\*\* This left Mr. Hordern's Great Southern Railway proposal to be considered by the Legislature. After discussion, terms consisting in the main of those recommended by the committee were agreed to, and the contract was signed on 25 October 1884.\*\*\* The line being 243 miles long, the syndicate was entitled to 2,916,000 acres of land. They deposited 10,000 pounds as a guarantee for the fulfilment of the contract, and agreed to introduce 5000 immigrants at the rate of not under 700 or over 1000 a year.\*\*\*\*

(\*Footnote. Ibid Paper A22.)

(\*\*Footnote. Western Australian Parliamentary Debates volume 9 page 306.)

(\*\*\*Footnote. Western Australian Year Book 1902 to 1904 page 44.)

(\*\*\*\*Footnote. Votes and Proceedings of the Legislative Council 1884 Paper A33 containing copy of contract. For descriptive information concerning the Great Southern Railway see Mennell, P. The Coming Colony London 1892 chapters 5 to 8 and Hart, F. Western Australia in 1891 Perth 1891 pages 59 to 62.)

Mr. Hordern's schemes for the development of the colony were not confined to building railways. In 1884 he proposed,\* on behalf of a syndicate, to erect a college of agriculture, the suggested curriculum of which would really have made it a technical school. The syndicate asked for the right to select in any district of the colony 25 million acres of land upon a ninety-nine years lease at an annual rental of not more than 40 shillings per 1000 acres for first-class and 20 shillings per 1000 acres for second-class lands, with the option of purchase at any time during the lease at the upset price fixed by the land regulations of 1882. The college was to be built and an experimental farm established upon the first land selected, and the syndicate required the right to sell or lease other areas to students or farmers who might desire to cultivate them under the guidance of the college authorities. As a guarantee, the syndicate proposed to make a first selection of 100,000 acres and expend a sum of at least 5000 pounds in erecting buildings and other improvements, failing which the whole would revert to the Crown at the end of five years. If successful the scheme would be enlarged by the erection of further colleges and the establishment of butter, cheese, and oil factories and wine-making plants. After fully considering the proposals the Legislative Council decided not to agree to them.\*\* The same course was taken in the case of suggestions by Mr. Hordern to build tramways between Perth, Fremantle, Bunbury, Busselton, and Kojonup.

(\*Footnote. Votes and Proceedings of the Legislative Council 1884 Paper A16)

(\*\*Footnote. Western Australian Parliamentary Debates volume 9 page 307 to 308.)

In order to carry out his agreement to build the Great Southern Railway, Mr. Hordern formed in London the Western Australian Land Company, with a capital of 300,000 pounds and a debenture issue of 500,000 pounds, Mr. T.W. Powell being the first chairman of Directors. Mr. Hordern then left London with the intention of organising operations in the colony, but unfortunately fell a victim to the heat of the Red Sea and died before reaching Albany. His contract was transferred to the Western Australian Land Company by the Legislative Council in April 1888, with the exception of the clauses relating to immigration.\* Several large bands of immigrants were introduced in 1886 and 1887, but in June of the latter year the Company declared itself unable to absorb any more and asked to be released from the obligation. Judging from the ideas put forward, Mr. Hordern's death, at a comparatively early age, was a distinct loss to Western Australia. A man of large outlook and immense business capacity, he would almost certainly have done much to develop the colony's resources and raise it to a position of prominence in keeping with its undoubted possibilities. To the withdrawal of the guiding mind may be ascribed the want of success of the Land Company.

(\*Footnote. 51 Victoria Number 30.)

The contract to build the Great Southern Line was secured by Millar Brothers, of Melbourne, who commenced at both ends and proceeded so rapidly that the line was opened to traffic on 1 June 1889.\* While under the direction of the company it was only a modified success, caused probably by the failure of the Company to dispose of the lands along the route. Only a small portion was sold or leased, and still less cleared and cultivated. Town-sites were declared at Lakeside, Mount Barker, Cranbrook, Broomehill, Katanning, Wagin, Narrogin, and Pingelly. Apart from the interests of the Company, the line proved a great convenience to established settlers along the railway, and was of considerable service to the colony. The Company's property, including the railway, was purchased by the Government in December 1896\*\* for 1.1 million pounds, and formally taken over on 8 January 1897.

(\*Footnote. Western Australian Year Book 1902 to 1904 page 45.)

(\*\*Footnote. Under 60 Victoria Number 43. See also files of West Australian December 1896 and January 1897.)

Other schemes for land-grant railways followed upon the agreement with Mr. Hordern. Between 1885 and 1889 several attempts were made by a syndicate holding land in the Esperance Bay and Hampton Plains districts to secure an agreement to connect the two by railway under conditions similar to those adopted for the Great Southern Line, but the Legislative Council declined to give its assent. A provisional agreement was entered into in 1889,\* but was never carried out. Another proposal was made in 1888 by Dr. Boyd\*\* to build a line from the eastern terminus of the Government line to Eucla. The offer was referred to a Select Committee, which recommended\*\*\* that the gauge should be 5 feet 3 inches, that 20,000 acres should be allowed for each mile constructed, and that 50,000 pounds be deposited as a guarantee that the work would be carried out. The conditions proving too stringent, the proposal lapsed, and another opportunity--the last for several years--of connecting east and west by railway was lost. Other offers were made by syndicates to build lines

from Derby and from Wyndham to the newly-opened Kimberley goldfields on either the land-grant principle or Government guarantee, but the authorities declined to approve them.

(\*Footnote. Votes and Proceedings of the Legislative Council 1889 2nd session Paper A2; third session Paper Number 5.)

(\*\*Footnote. Ibid 1888 Paper A7.)

(\*\*\*Footnote. Ibid Paper A11 and Western Australian Parliamentary Debates volume 14 page 482.)

The only other railway on the land-grant principle that was built was the outcome of a proposal made by Mr. John Waddington\* in 1884 to construct a line from York to Geraldton by way of Northam and Newcastle. The terms were based upon those in the agreement with Mr. Hordern. The proposal was referred to a Select Committee, which advised\*\* that the line should start from Guildford and run via the Victoria Plains, Upper Irwin, and Dongara to Walkaway, the southern terminus of the Government line from Geraldton. On the recommendation of the committee the Government was empowered to negotiate with Mr. Waddington on the same terms as with Mr. Hordern, except that the land taken for the railway in passing through town-sites and freehold property should be only one chain in width, and that no land should be reserved from sale until the agreement had actually been concluded. The area of 12,000 acres for each mile of railway was to be selected in alternate blocks within 40 miles of either side of the line and so as not to interfere with freeholds already granted. The agreement was signed in February 1886,\*\*\* and the contract for building the railway was let to Edward Keane. The cost of the work, complete with rolling stock and other appurtenances, was estimated at about 1 million pounds Sterling. Want of success on the part of Mr. Waddington in obtaining the necessary capital caused the suspension of operations in 1887,\*\*\*\* but they were resumed in 1890 with the assistance of certain English capitalists, and the whole line was opened to traffic in 1894. It still remains the property of the Midland Railway Company, which during recent years has fallen into line with the Government in the endeavour to extend the agricultural possibilities of Western Australia.

(\*Footnote. Ibid 1884 Paper A31.)

(\*\*Footnote. Ibid.)

(\*\*\*Footnote. Votes and Proceedings of the Legislative Council 1886 Paper Number 20 copy of contract.)

(\*\*\*\*Footnote. Western Australian Parliamentary Debates volume 13 page 55.)

Concurrently with the building of railways there was considerable extension of the telegraph system, all of which was carried out by the Government with the assistance of money derived from loans. The only offer made to build a telegraph line on the land-grant system was one to connect Geraldton with Roebourne, which was declined. In 1882 the Council authorised the work out of loan funds, and the contract was let to J. and W. Bateman. By it Shark Bay, the Gascoyne, Ashburton, and Fortescue were all linked with Perth, and an extension was almost immediately made to Cossack. In 1889 the line was continued to Derby, a distance of about 500 miles, and eventually carried on to Wyndham and Hall's Creek.

In 1883 Sir Julius Vogel\* proposed to lay a cable to the north-west coast to connect with the European system, but afterwards abandoned the idea. Millar brothers then suggested\*\* (in 1888) running one from the north-west coast to India or Ceylon, but before negotiations were concluded the Colonial Office arranged with the Eastern Extension Company to extend its system from Banjoewangi in Java, to Broome.\*\*\* This was opened in February 1889, and under agreement Western Australia agreed to transmit all cables to and from the eastern colonies over local lines at half rates, 1000 pounds a year in receipts being guaranteed. In 1887 the Perth Telephone Exchange was opened, and the same convenience given to Fremantle in 1888.

(\*Footnote. Votes and Proceedings of the Legislative Council 1883 2nd session Paper A1.)

(\*\*Footnote. Ibid 1887/8 Paper A2.)

(\*\*\*Footnote. Votes and Proceedings of the Legislative Council 1888 Paper A2.)

We have already seen that in connection with various land-grant railway schemes offers were made to construct harbour facilities at Fremantle. Other suggestions had been made from time to time during the history of the colony, but none of them had inspired confidence in their practicability. During the seventies plans were submitted to Sir John Coode, who proposed two possible schemes--one to provide 29 feet of water in a safe anchorage at a cost of 638,000 pounds and the other to provide 20 feet at a cost of 242,000 pounds.\* To consider either in the then financial condition of the colony was out of the question. The matter was therefore allowed to rest until 1886, when Sir John Coode was invited to visit the colony and make suggestions after an exhaustive inspection. In his report\*\* he expressed the opinion that the difficulties attendant upon the formation and maintenance of suitable and safe approaches in Cockburn Sound were so great, and would be accompanied by so large an expenditure, that there would be no alternative but to consider the utilisation of the shelter and deep water as impracticable.

(\*Footnote. Coode, Sir John. Report on the question of harbour improvements at Fremantle, in Votes and Proceedings of the Legislative Council 1878 Paper Number 26.)

(\*\*Footnote. Votes and Proceedings of the Legislative Council 1887 Paper Number 18.)

With regard to a proposal to build moles and cut a canal through to Rocky Bay, he considered that the cost of sheltering moles erected in suitable positions would be so great as to make the idea inadmissible. There was a grave objection to a corresponding treatment of the existing entrance of the river, as the limited tide and consequent small backwash for scouring purposes would probably cause a sandbar to form at the improved entrance and thus materially affect its utility. The Rocky Bay project he did not think was feasible. To provide for the unimpeded movement of the sand it would be requisite that any sheltering work at Fremantle must be detached from the mainland, connection with the shore being effected by means of an open viaduct, so arranged as to admit the unrestricted passage of the sand without causing its deposition. Altogether Sir John Coode's report was not favourable to the construction of a harbour at Fremantle, and the Government felt compelled to drop

the matter for the time and do what was possible toward the improvement of existing anchorages.



## CHAPTER 15. 1883 TO 1890 (CONTINUED).

### GOLD DISCOVERIES: KIMBERLEY AND YILGARN GOLDFIELDS.

### AGITATION FOR AUTONOMY CONTINUED. RESPONSIBLE GOVERNMENT.

The belief that at some time gold in payable quantities would be discovered in Western Australia seems to have existed almost from the inception of the colony. The "colour" had repeatedly been found, now here, now there, but beyond intermittent attempts at prospecting no strenuous endeavour had been made to discover payable metal. Specks of alluvial from Dardanup, small scraps from somewhere east of Northam, "colour" from the Blackwood, and the suggestion of it from the Darling Ranges comprised the total result up to 1850. Zest was then added to the search by the discovery in Victoria of goldfields rich beyond description, and the flame of desire kindled anew. The old navigators' reports that the north-west seemed to be a land wherein the precious metal might lie hidden were remembered, but at that time it was "undiscovered country" so far as Western Australian colonists were concerned, and no one was hardy enough to brave its possible dangers. Being of opinion, however, that the territory within reach should be tested, the Government imported half a dozen prospectors from Ballarat and engaged a geologist of more or less competence to advise upon mineral areas. In 1854 Surveyor Robert Austin, passing through the Murchison, expressed the view that around Mount Magnet lay possibly one of the richest goldfields of the world. But the renewed activity was doomed to disappointment, and for a further thirty years the treasures remained beyond the ken of man. The only result was the careful preparation of papers for learned societies on the non-auriferous nature of Western Australian rocks.\* Little more was done for many years. After the opening up of the north-west the Government Resident (Mr. R.F. Sholl) and some of the settlers occasionally drew attention to what appeared to be promising mineral areas, and in 1882 a small nugget weighing 14 pennyweight was found between Cossack and Roebourne by Mr. Alexander McRae. After that Governor Broome, in a dispatch to the Colonial Office, predicted that the discovery of payable gold was almost certain, and suggested that regulations should be framed "for immediate application in case of necessity."\*\*

(\*Footnote. See Paper by E.C. Hargreaves in Proceedings of the Royal Geographical Society London 1864 volume 8 page 32.)

(\*\*Footnote. Broome to Lord Derby 16 November 1883.)

The actual discovery of gold was due to the advice of the Government geologist, Mr. E.T. Hardman, a scientist of proved ability and experience. Mr. Hardman accompanied Mr. H.F. Johnston in the Kimberley surveying expeditions of 1883 and 1884, and in each case issued comprehensive reports on the geology of the country. In the first report, dated April 1884,\* he regretted that the hurried nature of the survey made a systematic examination for gold impossible, but he considered it extremely likely that that part of the district occupied by the metamorphic rock would eventually prove to be, in some degree at least, auriferous. He recommended that a thorough search be made in the country between the Napier Range and Mount Broome, on the Lennard and Richenda Rivers, particularly about ten or twelve miles up, where the slate country commenced. He stated that he had observed continuous exposures of

metamorphic rocks and numerous quartz veins, varying in width and apparently bearing north-west.

(\*Footnote. Votes and Proceedings of the Legislative Council 1884 Paper Number 31.)

The survey of 1884 passed through the Ord River country, and Mr. Hardman was especially careful to examine it, as repeated discoveries of fine alluvial gold had been made by settlers along the course of the river. His report\* was more hopeful than before, and, curiously enough, though he never secured sufficient gold to cover a threepenny piece, the places pointed out by him as probably gold-bearing were afterwards proved by practical miners. The gravel along the bed of the Ord, Elvire, and Panton Rivers yielded good prospects wherever tested, and the granite rocks stretching for many miles from the McClintock Ranges were intersected with quartz veins in which gold was here and there visible. He found that it was possible to secure indications over a distance of nearly 150 miles.

(\*Footnote. Ibid 1885 Paper Number 34.)

Mr. Hardman's report--the first from a competent authority--led to preparations for a prospecting party. By resolution of the Legislative Council,\* the horses of the Kimberley surveying expedition were lent, and the party, most of whom were experienced miners from the eastern colonies, left Yeeda Station at the end of August 1885 for the locality named by Mr. Hardman. Following the Panton River to its junction with the Elvire, they prospected in the neighbourhood for some days, and succeeded in collecting about 10 ounces of gold. They then tried the Margaret, Ord, and Panton Rivers, finding indications everywhere, but were compelled to leave the spot through lack of provisions and make for Derby, some 400 miles away.\*\* Their claim to be regarded as the discoverers of the Kimberley goldfield was, however, disputed by Mr. Carr-Boyd, an explorer, who prior to their advent had sent a parcel of stone from the district to Melbourne to be treated. In any case the finding of the gold was a much more important matter to Western Australia than the question of who found it. The success of the prospectors was quickly noised abroad, and other parties followed in their wake. The reports which from time to time were received from these roused general excitement throughout Australia, and in 1886 the Kimberley rush set in.\*\*\* Men came from the eastern colonies to try their luck, and most of them were, at any rate, rewarded by the sight of gold. By April 1886, 400 ounces had been received at Derby, and soon after Carlisle and party arrived with 56 ounces, Keelan with 24, and others with smaller quantities. In May the Kimberley goldfield was proclaimed,\*\*\*\* and by June it was estimated that between 200 and 300 miners were scattered over the area embraced within its boundaries. Derby being somewhat distant from the field, a new port--Wyndham--was established at Cambridge Gulf in September,\*\*\*\*\* and the Government officials stationed there.

(\*Footnote. Western Australian Parliamentary Debates volume 10 pages 195 and 197.)

(\*\*Footnote. Western Australian Government Gazette 1885 pages 449 and 450.)

(\*\*\*Footnote. The principal sources of authority for the history of the development of the goldfields are the newspapers of the day from the

beginning of 1886 onwards, the chief papers consulted being the West Australian, the Inquirer, and, later, the Kalgoorlie Miner and the Coolgardie Miner. Where other authorities are used, special references are given. See also Western Australian Year Book 1902 to 1904 part 9.)

(\*\*\*\*Footnote. Western Australian Government Gazette 19 May 1886 page 308.)

(\*\*\*\*\*Footnote. Western Australian Year Book 1902 to 1904 page 102.)

At the opening of the Legislative Council in June, Governor Broome reported with satisfaction "the discovery of an extensive goldfield of rich promise" in the Kimberley district, and advised that an Act to control it be at once passed.\* This was assented to in August,\*\* and provided that miners' rights should be issued on payment of 1 pound per year, but that no right be issued to an Asiatic or African alien during the first five years after the proclamation of any goldfield. Consolidated miners' rights could be obtained by companies on the basis of the number of individual rights under which the claims were first taken possession of. Leases could be granted for twenty-one years at a rental of 20 shillings per acre, and could be surrendered with the consent of the Warden provided the conditions had been carried out up to the time of surrender. Business and residual licences could be secured at a rental of 4 pounds per year for ten years, and these could be transferred on payment of 5 shillings. No lease could be for more than twenty-five acres or be granted until two years after the field had been proclaimed. Any portion of Crown lands could be proclaimed a goldfield by the Governor, and pastoral leases existing over it suspended or cancelled. The administration of the Act was carried out by a Warden, who had the general powers of Justices in Petty Sessions. The Governor in Council would reward discoveries of a goldfield with a sum not exceeding 1000 pounds. A few days later an export duty of 2 shillings and 6 pence per ounce was imposed.\*\*\*

(\*Footnote. Western Australian Parliamentary Debates volume 11 page 4.)

(\*\*Footnote. 50 Victoria Number 18; Western Australian Government Gazette 14 December 1886 regulations.)

(\*\*\*Footnote. 50 Victoria Number 21.)

Before the end of 1886 the excitement in Western Australia, and, indeed, throughout Australia generally, was intense. Nearly 2000 men were at work in the district, and the Government was busily occupied in providing proper means of communication. Derby and Wyndham were both used as landing ports, and became for the time being busy and prosperous centres. Late in the year Mr. C.D. Price was appointed Warden, and reported\* that when he arrived at McPhee's Gully, four miles from the point where cart traffic from Derby stopped, he found numbers of men camped, some of them prepared to give the field a trial, but more about to return to Derby or Wyndham, disappointed and disheartened. Crossing over to Elvire gorge, the terminus of the Wyndham road, he found men scattered all over the area, but congregated chiefly at Hall's Creek, the Twelve-Mile Camp, Elvire Gorge, and the neighbouring gullies. He was not pleased with the prospects of the field. There was no alluvium, no lead; the usual practice was to scrape the surface of the ravines and test the soil by dry-blowing, or to seek for grains in the bars of the creeks. The average result was about a pennyweight a day; occasionally more was found in isolated pockets, but the majority of the men barely secured enough to keep body and

soul together. They stayed merely in the hope that the rainy season would bring about an improvement. Finding that it did not, their only desire was to get away. Mr. Price reported that the loss of valuable property was very great--expensive outfits were sacrificed to enable the owners to leave, horses were sold for one-fourth of their value, and in many cases wagons and carts were abandoned. New arrivals were discouraged from the outset, and many of them never ventured farther than the end of the cart tracks. So adverse were the reports that met them that they had only one desire--to get rid of their impedimenta at whatever price was offered and leave the country in disgust. Mr. Price intimated that the average cost of outfit was at least 100 pounds per man, and that very few took that amount away in gold.

(\*Footnote. Votes and Proceedings of the Legislative Council 1887 Paper A19 Annual report on the Kimberley Goldfield.)

Notwithstanding Mr. Price's gloomy report, a certain amount of gold was secured. The amount exported in 1886 was 302 ounces, valued at 1147 pounds,\* but this does not by any means represent the whole output. The miners objected to the export duty of 2 shillings and 6 pence per ounce, and whenever possible got out of the country without declaring their gold. In fact the duty had returned so little (30 pounds) by the end of June 1887 that the Legislature decided to repeal it.\*\*

(\*Footnote. Statistical Summary Appendix 4.)

(\*\*Footnote. Western Australian Parliamentary Debates volume 12 pages 54, 126 and 141.)

Early in 1887 it was evident to Mr. Price that the field would not realise the expectations formed of it. By February there were only about 600 men remaining, and these were congregated chiefly at Twelve-mile Camp and Brockman's River. In the latter place water was difficult to procure; for domestic purposes it had to be carried about seven miles, and the fact that two or three hundred men were prepared to walk that distance for it every day led him to believe that they were, at any rate, securing payable results, but he was unable to get any reliable information. After the December rains rich patches were occasionally discovered, and of course led to those rushes to the spot on the part of less fortunate diggers in other places, which are so common a feature of mining camps. The heaviest pieces of metal were found on the Panton River, the coarsest on the Brockman, and the finest near Mount Dockrell toward the south-west. The prospects of alluvial mining were not, however, in themselves sufficient to keep the men on the field. The real inducement was the existence of quartz outcrops giving fair indications of gold.\* These encouraged the prospectors to continue the search. The first reef to be opened up was the Jackson, at Hall's Creek, on the Elvire, in September 1886. Gold was then obtained from the Lady Broome, Lady Margaret, and Brockman reefs, and in places sufficient of the metal to pay expenses was secured by dollying the surface stone. But the ore did not improve with depth. The Jackson Reef was traced for a considerable distance, and showed gold all along the way. Two reefs north of the Panton were tested, rich leaders were discovered at Mount Dockrell, Spear Gully, and at Two-mile Gully, east of McPhee Gully. From the last-named 130 ounces of gold were quickly obtained. Mr. Carr-Boyd took 11 hundred weight of quartz from the Jackson reef to Melbourne for treatment, and reported that it yielded 43 ounces to the ton. By the middle of June 1887, thirty-four quartz claims had been registered--twenty at Hall's Creek, four at

Brockman River, five at Mount Dockrell, and five at Panton River, the number of men employed being 147.\*\* It was found that the leasing clauses of the Goldfields Act were very unfavourable to quartz mining, as no lease could be procured until two years after the proclamation of the field. The Government geologist, Mr. Hardman, strongly advised that the clause should be repealed. Mr. Price, to whom the suggestion was referred, just as strongly opposed it. The object of the clause, he pointed out, was to prevent large areas of untried grounds, which might maintain numbers of individual miners, being taken up by speculators who had no intention of working them, but whose only object was to float bogus companies. As an instance he quoted the Northern Territory of South Australia: "There, with equally stringent regulations, hundreds of acres are locked up, and have been for years; not a man at work, and costly machinery utterly destroyed through neglect."\*\*\* All this, he considered, was due to the fact that leases were granted when the field was first discovered. Notwithstanding this adverse view, the Act was amended in 1888 so as to allow leases to be granted immediately.\*\*\*\*

(\*Footnote. Votes and Proceedings of the Legislative Council 1887 Paper A19 Annual report on Kimberley Goldfield.)

(\*\*Footnote. Votes and Proceedings of the Legislative Council 1887 Paper A19 Annual report on Kimberley Goldfield.)

(\*\*\*Footnote. Ibid Paper A17.)

(\*\*\*\*Footnote. Western Australian Parliamentary Debates volume 13 pages 147 to 150.)

As usually happens in new mining settlements, where men are intent upon the one object, the finding of gold, the men at Kimberley suffered greatly from want of proper sanitary precautions and from scarcity of provisions. Disregard of sanitation in an area so well within the tropics brought in its train fever and ague, scurvy and dysentery, diseases that were increased in severity by want of proper nursing and nourishment, and the mere fact that so many stayed there is evidence either that they were making more than a competency or were strongly inoculated with the virus of perseverance. The prospects certainly improved during 1887. Good alluvial gold was discovered in various places and small nuggets occasionally brought to light. One party conveyed over 1500 ounces to Derby in one trip. Companies were formed to work the quartz mines, and machinery for one of them--the Nicholas, on the Margaret reef--reached Hall's Creek in November. The Lady Carrington Mine was purchased by a London syndicate, conditionally upon the first crushing yielding 2 ounces to the ton--not usually a difficult condition to fulfil. Other mines were also successfully floated, and a belief in the permanence of the field began to arise. The official returns show that 4873 ounces, valued at 18,517 pounds,\* were entered at the Customs for export during the year.

(\*Footnote. Statistical Summary Appendix 4.)

Developments were continued in 1888, and at the same time the search for alluvial gold was carried on. The returns were not so large as for 1887, the total being 3493 ounces, valued at 13,273 pounds,\* not quite all of which came from Kimberley. Further extensions of plant in the way of batteries and so forth were made during 1889 and 1890, but it became evident that the cost of raising the ore and treating it

was greater than the value of gold secured. The returns show that in 1889 the district yielded 2464 ounces, and 4474 in 1890,\*\* but by the end of that year the Golden Crown was the only mine paying expenses, and most of the others were shut down. Though gold had been proved to exist both in reefs and as alluvial, the want of capital and the cost and difficulties of transit made it impossible to work the field on a large scale at a profit. Doubtless when these obstacles can be overcome, attention will once more be directed to the district, with better prospects of success. After 1890 the population of the field dwindled to about 300. These eke out a living more or less comfortably in searching for alluvial, or in the hope of securing a Government bonus are testing the old reefs from which rich stone was formerly obtained. But though the Kimberley field, from which so much was expected, must be regarded as a comparative failure, it served an excellent purpose in directing attention to the fact that gold DID exist in Western Australia, and that there was every reason to expect that the country would well repay examination by those whose experience and ability fitted them for the task. This impression was strengthened by an incident that happened in 1887. In that year Mr. Charles Glass of Mugakine,\*\*\* while digging a tank on his property, situated about 100 miles east of Newcastle, found a large speck of metal which on examination proved to be gold. This, combined with the fact that from time to time indications of gold had been reported from the country east of Northam, led to proposals to equip a prospecting party to test the district. At the instance of Mr. (afterwards Sir) George Shenton, the Legislative Council voted 300 pounds toward such a project,\*\*\*\* and with this assistance the Settlers' Association of the eastern districts fitted out a party under the leadership of Mr. B.N. Colreavy. Colreavy worked over all the country between Newcastle and the Yilgarn Hills, a distance of some 200 miles, but his labours were practically fruitless, though he was so much impressed with the appearance of the country that he immediately set out on a trip on his own account. While Colreavy was out on his second trip, quite a sensation was caused by the return of Mr. H. Anstey from Yilgarn with some rich specimens of quartz. Mr. Anstey, on behalf of a syndicate, had gone out in the same direction as Colreavy, and had discovered an outcrop at Lake Deborah, from which a member of the party named Paine had broken off the first specimen. Anstey returned to Perth with the stone, while the rest of the party remained, and in course of prospecting found four other reefs, one of which was traced for 1200 yards. Another party, under Mr. Seabrook, also discovered quartz reefs in the same neighbourhood, and some excellent specimens were obtained by Mr. von Bibra. Unfortunately it was found that Anstey's reef, though good at surface, soon pinched out and showed no indication of gold upon sinking a shaft. This happened just about the time that Colreavy, who was prospecting at Golden Valley some 30 miles to the south, discovered a reef that carried gold throughout, and Mr. W.J. Parker, some 40 miles farther south again, discovered good indications at a place which he called Parker Range. This caused a mild rush, with the result that various new reefs were struck to the south and east by Riseley and others--representing the Phoenix Company--who named their principal find, some 30 miles east of Golden Valley, Southern Cross, by reason of the fact that they had used the constellation as a guide when travelling by night.

(\*Footnote. Ibid.)

(\*\*Footnote. Western Australian Geological Survey Bulletin Number 16 Perth 1904 page 17.)

(\*\*\*Footnote. Western Australian Year Book 1902 to 1904 page 894.)

(\*\*\*\*Footnote. Western Australian Parliamentary Debates volume 12 page 161.)

In February 1888 Mr. H.P. Woodward, F.G.S, who had been appointed Government geologist in succession to Mr. E.T. Hardman (who died in 1886) visited the fields and reported\* very favourably upon their prospects. The Government at a later date awarded Mr. Anstey 500 pounds, and Messrs. Colreavy and partner 250 pounds each, as rewards for the discovery of the Yilgarn goldfield.

(\*Footnote. Votes and Proceedings of the Legislative Council 1887/8 Number 7.)

The chief difficulty that faced the prospectors was want of water. To surmount this the Government spent 1000 pounds on water conservation during 1888, and on 1 October of that year proclaimed the district as a goldfield.\* Mr. A.F. Thompson was appointed Warden (being shortly afterwards succeeded by Mr. J.M. Finnerty) and Mr. A.E.F. Compton, Mining Registrar. Very little development took place until the following year, and then not so much around Golden Valley as in the neighbourhood of the newly-discovered Southern Cross. Here true lodes, holding rich quartz, were found, and companies to work them formed in Perth and Fremantle, and in Adelaide. The Central, Central Extended, Fraser's, and Fraser's South Mining Companies were floated and machinery ordered. Condensers for supplying fresh water were erected, stores set up, and the beginnings of a mining township followed quickly. The Government geologist, convinced that the district would prove productive, advocated the building of a railway. The activity abated toward the middle of the year, as from want of machinery no returns had been secured by the companies. Mills were started at the Central and Fraser's toward the close of 1889, and after some difficulty the pure gold was separated from the black, muddy amalgam caused by the action of the saltwater on the refuse from the machinery. The results gave confidence in the prospects of the district, and, combined with continual new discoveries of quartz, brought about an air of permanence, though the unpleasant nature of the climate and the uncomfortable conditions under which work had to be done led the Government to grant exemption to the mines during the heat of summer. As an instance of the primitive conditions prevailing, it may be mentioned that the courthouse was a bush structure and that the Warden dispensed justice while sitting on a gin-case, a candle-box being provided for his clerk. During the year seventy-one leases, representing 684 acres, were applied for; two claims and eighteen protection areas were occupied; and nineteen business licences and 394 miners' rights issued. The output of the field for 1889 was 1858 ounces.\*\* A breakdown of the machinery at Fraser's Mine during the early part of 1890 had a tendency to lessen public confidence in the prospects generally, but the declaration of a dividend--the first on the field--of 6 pence a share in the following November did much to restore it. The Commissioner of Crown Lands visited the district in June, and was met with quite a number of requests, most of which, being impressed with the possibilities of the locality, he recommended, but they were not carried out at the time owing to constitutional changes being imminent. The amount of gold exported from Yilgarn in 1890 was 2277 ounces, valued at 8652 pounds.\*\*\*

(\*Footnote. Western Australian Government Gazette 1888 page 585.)

(\*\*Footnote. Western Australian Geological Survey Bulletin Number 16 page 34.)

(\*\*\*Footnote. Ibid.)

Yilgarn did not, however, show such encouraging results as another gold-producing area discovered about the same time. In 1888 a lad named Withnall, at Mallina, some 70 miles east of Roebourne, found a speck of gold in a stone he was about to throw at a bird. The Kimberley excitement having made everyone alert, the district was prospected, and two promising reefs--the Mallina and the Pedawah--were discovered, and shortly afterwards several others were found. In July a rich alluvial find was made at Pilbara Creek and a large quantity of gold secured in a very short time. Several nuggets of from 30 to 40 ounces each were unearthed, and in November Mr. A. Villars secured one weighing 127 ounces. The Pilbara goldfield\* was proclaimed on the same day as the Yilgarn--1 October 1888--and Mr. C.W. Nyulasy appointed Warden until June 1889, when Mr. W.L. Owen took up the position. The discovery of rich alluvial at points scattered throughout the district caused quite a rush during 1889, the excitement extending beyond the confines of the colony. Syndicates were formed in Melbourne and other centres to work the mines at Pilbara and Mallina, and prospectors were soon scattered over the whole field. The chief centre of the goldfields was called Marble Bar, from the fact that at the place where it was erected a bar of mottled quartz, believed at first to be marble, crossed the Shaw River. Most of the miners were to be found where alluvial gold was richest. Early in the year a party of prospectors discovered good alluvial diggings on the Oakover, from which some hundreds of ounces of gold were gathered in a very short time. At Nullagine many alluvial claims were returning handsome yields. In August a new field was discovered eleven miles east of Roebourne by a Chinaman, and named the Nickol field. It was only of small area, and being near the sea was covered with water at high tide. No great results were obtained from it.

(\*Footnote. Western Australian Government Gazette 1888 page 585.)

In the same year gold was found near Lake Austin on the Murchison, and also on the Ashburton, but no results were secured sufficient to justify any excitement. Gold was also taken from the district south of Cuddingwarra, and specimens were obtained from the Wongan Hills, some 60 miles north-east of Newcastle, but during 1889 and 1890 the principal yields came from Pilbara. In 1889, out of a total export of 15,492 ounces, 11,170 came from that field, and in 1890, out of 22,806 ounces, it accounted for 16,055.\*

(\*Footnote. Western Australian Geological Survey Bulletin Number 16 page 19 and Statistical Summary Appendix 4.)

Another commercial metal--tin--was also discovered in 1888, owing probably to researches made by Mr. E.T. Hardman some years earlier. On one occasion, when engaged officially in the Blackwood district, he was accompanied by Mr. Stinton, to whom he suggested the probable occurrence of tin-bearing deposits. Having this in mind, Mr. Stinton in 1888, while out kangaroo hunting at Greenbushes, found a small quantity of stream tin in a gully near the Blackwood River, just off the main road, and about nine miles from Bridgetown. Several leases were taken up, but as the mining regulations did not at the time contain any labour clauses, very little work was done.



In 1891 Mr. Stinton's discovery was rewarded by a grant of 250 pounds from the Government.

We now turn to the last phase of the long-drawn-out struggle for responsible government.\* It will be remembered that in 1882 Mr. Parker asked that the Governor should obtain from the Secretary of State definite information as to the terms and conditions upon which autonomy would be granted. Feeling convinced that the finances of the colony warranted the step, he did not wait for a reply, but in 1883 moved in the Council "that the time has arrived when it is desirable that the colony of Western Australia should adopt a system of responsible government."\*\* The motion gained considerable support, mainly because there was an impression that the Government was holding back funds that ought to be spent in various works of development. It was, however, defeated by an amendment proposed by Mr. Lee Steere\*\*\* to the effect that having asked for the opinion of the Secretary of State no definite steps ought to be taken until a reply had been received.

(\*Footnote. The various dispatches and communications regarding responsible government in Western Australia will be found printed in the Votes and Proceedings of the Legislative Council between 1883 and 1890 and also in Great Britain Parliamentary Papers Cd. Number 5743, 5762, 5919 and Commons Paper Number 120 1890.)

(\*\*Footnote. Western Australian Parliamentary Debates volume 8 page 282.)

(\*\*\*Footnote. Ibid page 296.)

The then Secretary for the Colonies (Lord Derby) appears to have been disinclined to commit the Imperial authorities to any decisive course of action. So far from encouraging the idea of autonomy, he seems to have thought it his duty to stand in the way. In his reply\* he followed the line of Lord Kimberley, and pointed out the difficulty of administering the northern and southern parts of the colony together, inferring that this could be more satisfactorily done if Western Australia remained a Crown colony. After pointing out that the separation of Queensland from New South Wales became unavoidable long before its districts in the latitude of Kimberley had been occupied, and that most probably the same would occur between the northern and southern portions of Western Australia almost immediately after responsible government had been granted, Lord Derby proceeded:

"I am therefore not disposed to anticipate that the request for responsible government will be pressed at this time, or that, if urged by the residents in the southern part of the colony, it would be equally acceptable to those who are now developing the tropical districts in the belief that their interests are protected by the Crown. And while I am of opinion that under responsible government the control of the Crown lands generally would have to be vested in the Colonial Parliament, it appears to me, as at present advised, that it would be necessary to make an exception in respect of those northern Crown lands which would be likely to form a separate colony at an early date. With a view to meet a contingency (which, however, I hope may not arise for a considerable time, as there appears to be no reason why the colony should not continue to prosper for a further period under its present form of government) I think it desirable that a separate account should be kept of the revenue raised and expended in each district of the colony; and it will also have to be considered whether, in any future Bill, it must not be declared that the lands and revenues of the Kimberley and

some other portions of the northern districts will not form part of the security for the loan."\*\*

(\*Footnote. Lord Derby to Broome 23 July 1883.)

(\*\*Footnote. Lord Derby to Broome 23 July 1883.)

The dispatch concluded by requesting that a full statement of the conditions of the colony, with exhaustive tables and financial returns, should be forwarded by the Governor to the Colonial Office, in order that if the demand was persisted in, the Imperial authorities might be in possession of all possible information.

As the Colonial Office, almost from the inception of the colony, had been looked upon by the settlers as the chief obstacle in the way of progress, this dispatch, which was not only aimed at discouraging the desires of the colonists, but seemed to contain a veiled threat as to what would happen if the agitation were continued, had the almost immediate effect of stimulating public interest in the question. Many of those who had been more or less apathetic awoke to an active interest in the situation. Governor Broome compiled the report asked for, giving not only tables and other necessary data, but a clear expression of his own opinion.

"Though I see no valid reason," he wrote,\* "for withholding free institutions from the colony after its inhabitants shall have expressed a general and decided wish to take upon themselves the burden and the responsibility of that form of government, I am strongly of the opinion that until such a wish shall have been expressed, which certainly it has not been as yet, it would be a mistake to make this great and irretrievable change. Furthermore, while I concede that the colony has reached a stage at which a claim to its birthright, if deliberately insisted upon, should not be refused, I nevertheless think that Western Australia would do well to delay its majority for a time, until its wealth and population shall have still further increased, and until (what is hardly the case as yet) the community contains within itself a good ballast weight of public opinion, and a sufficient complement of qualified public men to govern on the party system. By qualified public men I mean not only men of ability and capacity for public affairs (for these already exist in full proportion) but men in whom good social standing is joined to means and leisure sufficient to allow them to devote themselves to political business. It is in this respect a deficiency would, I think, be felt. But the deficiency is not so serious as to be absolutely prohibitive. With respect to the class of politicians to whom the affairs of the colony would be confided under responsible government, the constituencies at present place in the Legislative Council gentlemen who are among the most leading, most intelligent, and most public-spirited men of the colony, and who would be a credit to any community. There is no reason to suppose that the electors would cease to do this under responsible government."

(\*Footnote. Broome to Lord Derby 9 April 1884.)

The Governor then proceeded to advise that Her Majesty's Government should intimate that responsible government would not be refused if a very decided and general wish for it should find utterance at the elections, which must take place not later than "next year"\*--a wish that had not so far been expressed--but concluded by pointing out that he did not consider a change necessary or desirable so long as representative government gave reasonable satisfaction.

(\*Footnote. Broome to Lord Derby 9 April 1884.)

Governor Broome's estimate of the existing state of affairs was both accurate and impartial; there was not at that time any decisive public desire for autonomy, but his report and the reply of Lord Derby to it went a long way towards creating one. In this reply, which was vague, indefinite, and unsatisfactory, the Secretary of State wrote:\*

"I am not prepared at present to authorise you to announce that responsible government could be granted, if at the general election of next year there should be a strong expression of opinion in favour of the change; because, as I pointed out in my dispatch of last year, there are important political and financial questions which would have to be satisfactorily settled before any such steps could be taken, and I confess that I anticipate considerable difficulty in dealing with some of those questions. If, however, the electors should declare themselves very generally and decisively in favour of a change in the Constitution, having had before them the considerations explained in my dispatch of 23 July 1883 (regarding the possible separation of the northern portion of the colony) Her Majesty's Government would not refuse to examine the details of the arrangements which it would be necessary to make if responsible government should be introduced; but, without full and careful inquiry, they would not be prepared to give any definite assurance that the introduction of responsible government is now practicable."

(\*Footnote. Lord Derby to Broome 14 July 1884.)

Few references were made to the subject during the 1884 session of the Legislative Council, which was held before the receipt of the foregoing dispatch. The opinions that were voiced were mainly from opponents, and were designed really to raise the bogey of possible separation of the northern districts if the agitation for autonomy were continued. At no time does there seem to have been any desire evinced by the settlers in those districts, but the fact that the Secretary of State's dispatches hinted at the possibility was sufficient for the opponents of responsible government to use it as an argument. To strengthen their case they quoted the dissatisfaction that existed over the land regulations, the small amount of public money spent in the Kimberley and Gascoyne districts, and the useless way in which the money that was voted was expended. The discussion was, however, purely academic; the settlers in the north took no interest in it, and it must be admitted that at that time, at any rate, it had no practical bearing on the question of autonomy. All that the northern settlers wanted was better representation in the existing Legislature, and this they secured in 1886, when the Kimberley electorate was formed, of which Mr. Alexander Forrest was the first elected representative, Mr. D.K. Congdon being at the same time nominated to a seat in the Council.

The elections referred to in Governor Broome's dispatch were held in October and November 1884. The desire for responsible government was made as far as possible a test question, but the results were not markedly in favour of any change. In the absence of any definite mandate from the people, no pronounced movement was made by the Council in 1885. Certain information as to the terms under which Queensland and Victoria were separated from New South Wales was obtained, and questions bearing upon the possible separation of the northern districts were asked,\* but beyond that the agitation was allowed to slumber. Before the Council met in

1886, certain changes had taken place in its personnel, which had probably some effect in making the demand for autonomy more insistent. Sir Luke Leake, who had been Speaker ever since the introduction of representative government, died in London, and Mr. J.G. Lee Steere was elected to the position. Dr. E. Scott was elected to represent Perth in the place of the deceased knight, and about the same time Mr. Maitland Brown and Mr. Septimus Burt gave place to Mr. R.F. Sholl and Captain T. Fawcett. The Attorney-General (Mr. A.P. Hensman) resigned his office early in the year owing to a serious disagreement with the Governor, who formally interdicted him from exercising the functions of his position. As usually happened when Sir Frederick Broome exercised the power of interdict, the Colonial Office cancelled it, but Mr. Hensman did not again take up the Attorney-Generalship. For a time it was held by Mr. S. Burt, and then by Mr. G.W. Leake until a new Attorney-General (Mr. C.N. Warton) arrived from England.

(\*Footnote. Western Australian Parliamentary Debates volume 10 pages 128 et seq.)

No reference was made to the question of autonomy by the Governor in his opening address to the Council in 1886, but later in the session a motion proclaiming that the time had arrived when Western Australia should adopt responsible government was moved by Mr. H.W. Venn,\* whose views seem to have been received with distinct favour by the audience,\*\* if not by the Council. The motion was seconded by Dr. Scott and strongly supported by Captain Fawcett, both of whom were convinced that by responsible government alone could the prosperity of the colony be assured. Mr. Crowther opposed the motion on the ground that seven-tenths of the people were averse to any change, and Mr. Charles Harper and Mr. George Shenton moved and seconded an amendment to postpone consideration till the following session, mainly on the old cry that the time was inopportune.\*\*\* Mr. Parker, the acknowledged leader of the movement, objected to postponement, but in the end it was carried by eleven votes to eight, the official members, at the request of the Governor, abstaining from voting. The vote was probably affected by the fact that it was not moved by Mr. Parker, and was not regarded as the official utterance of the party favourable to the change. The reason for this was that important alterations of the land regulations were under consideration at the time, and it was felt that they ought to be disposed of first as being of more pressing necessity than prospective alterations of the Constitution. The discussion had, however, one important result. It led the people to consider the question in all its bearings and to take an active interest in it.

(\*Footnote. Ibid volume 11 pages 270 and 378 et seq.)

(\*\*Footnote. Ibid page 385.)

(\*\*\*Footnote. Western Australian Parliamentary Debates volume 11 page 390.)

The Governor communicated the substance of the Council debate to the Secretary of State, and ventured the opinion that from the indications available the advocates for responsible government appeared to be gaining ground.\* The presumption of mere colonists in daring to suggest that they knew enough about their own colony to govern its affairs seems to have angered the Colonial Office, and the Secretary of State replied sharply, reiterating the statement of his predecessor, "that if responsible government were introduced it would not be practicable for Her Majesty's

Government to surrender to a Parliament representing a small population principally resident in the southern districts the control of all the vast territory now included in Western Australia."\*\* How that "vast territory" could be more satisfactorily controlled by one man removed by thousands of miles from the spot, and absolutely ignorant of local conditions and requirements, he did not attempt to explain.

(\*Footnote. Broome to Secretary Stanhope 18 November 1886.)

(\*\*Footnote. Sir H.T. Holland to Broome 4 February 1887.)

Governor Broome referred to this dispatch at the opening of the session of 1887,\* and gave it as his opinion that though he was not opposed to responsible government, separation would be too great a price to pay for it, particularly if by waiting a year or two the threatened division of the colony could be avoided. At the same time he was prepared, should the Council adopt an address in favour of it, to transmit such address to the Secretary of State and request the views of the Imperial authorities on the matter. Upon the receipt of those views he would make them public and at once dissolve the Legislature so that the constituencies might pronounce their judgment.

(\*Footnote. Western Australian Parliamentary Debates volume 12 page 3.)

In agreeing to transmit an address, if presented to him, Sir Frederick Broome had probably a fairly good idea of what was likely to occur. On 24 June Mr. Parker presented to the Council a petition from the citizens of Perth\* asking for responsible government, and on 6 July he followed up the petition by moving:

"That in the opinion of this Council the time has arrived when the Executive should be made responsible to the Legislature of the colony; and that it is further the opinion of this Council that Western Australia should remain one and undivided under the new Constitution."\*\*

(Footnote. Western Australian Parliamentary Debates volume 12 page 8.)

(\*\*Footnote. Votes and Proceedings of the Legislative Council 1887 page 34.)

A long and interesting debate\* ensued, in which every possible argument for and against seems to have been adduced; in the result the first resolution was carried by thirteen votes to four, and the second on the voices.\*\* The official members again refrained from voting, and Messrs. Shenton, Marmion, and Harper took the same course, as they were not convinced that the time was ripe.\*\*\* These resolutions were then embodied in an address and forwarded to the Governor, by whom they were dispatched to the Secretary of State\*\*\*\* with a covering letter strongly supporting them, but advising that adequate provision be made for the protection of the aborigines in the north, and that power be reserved, independently of the local Legislature, to erect any portion of the territory into a separate colony should future events render that course necessary. The separation question he discussed at some length, believing it to be (as, indeed, it subsequently became) a very important factor in the discussion. As to the details of the new Constitution, he suggested a Legislative Council of not less than fifteen members, and a Legislative Assembly of thirty, the first Council to be nominated for a short term but to be elective afterwards. Questions

of franchise ought, he considered, to be left to the local authorities. Finally he asked for the earliest possible intimation of the views of the Imperial authorities.

(\*Footnote. Western Australian Parliamentary Debates volume 12 pages 84 et seq.)

(\*\*Footnote. Ibid page 121.)

(\*\*\*Footnote. Ibid.)

(\*\*\*\*Footnote. Broome to Sir H.T. Holland 12 July 1887.)

Some fortnight later the Governor forwarded a second dispatch,\* urging that as a second session of the Council should be called in December to deal with the Estimates and the question of further loans, it was absolutely necessary that the members should know the intentions of the Imperial Government on the question of possible separation of the northern portion of the colony. At the same time he stated that he was engaged with the Attorney-General in preparing a draft Bill for a new Constitution which would not, however, be submitted to the Council without the Secretary of State's consent. In August a cable was received from Sir Henry Holland to the effect that he was prepared to accept both resolutions of the Council, with the reservation of special provisions for the protection of natives and the government of the north.\*\* This was followed in September by a further cable stating that legislation for the next session was premature, and that nothing should be done until the views of the Home Government were known.\*\*\*

(\*Footnote. Broome to Sir H.T. Holland 28 July 1887.)

(\*\*Footnote. Telegram Sir H.T. Holland to Broome 31 August 1887.)

(\*\*\*Footnote. Ibid 17 September 1887.)

Up to the time the Council met in December these views had not been received, but a request for a further loan had been refused on the grounds that constitutional changes were impending.\* In a frame of mind almost approaching disgust, the Council regretted that the views of the Imperial authorities had not been received, and requested that before it passed the Estimates for 1888 it should be informed of the date upon which such views might be definitely expected.\*\*

(\*Footnote. Sir H.T. Holland to Broome 18 October 1887.)

(\*\*Footnote. Western Australian Parliamentary Debates volume 13 pages 56 to 60.)

The dispatch replying to the Council resolutions of July 1887 was received in January 1888,\* and was not at all satisfactory to the colonists. Beyond merely agreeing to the principle of responsible government it did not advance the question a step, all the suggestions made with regard to detail being vague and inconclusive. Sir Henry Holland admitted that 40,000 persons raising a revenue of 400,000 pounds should, if confined within reasonable geographical limits, be deemed capable of governing themselves, but demurred about handing over to that number of persons, mostly congregated in one corner of it, a vast territory capable of sustaining millions of people. Representations had, he said, been made that the northern districts should not be placed under the control of a parliament elected by so small a population, most of which was resident in the south. If some means could be devised by which the

unalienated lands of the outlying portions could be preserved for the benefit of future inhabitants, it might be possible to establish responsible government in Western Australia. He then proposed that the colony should be divided into two portions by latitude 26 degrees, and that the Crown lands of the northern part should remain under the control of the Imperial Government, and the returns from sales be invested to form a fund for the benefit of any colonies that might in the future be created out of the districts concerned.

(\*Footnote. Sir H.T. Holland to Broome 12 December 1887.)

A further dispatch\* was received in February 1888, suggesting that for the time being, at any rate, the Legislature should consist of a single Chamber, with power to create a second Chamber when the population reached, say 80,000. If two Chambers were considered necessary at the beginning, then the first Upper Chamber ought to consist of members nominated for a term, at the end of which the elective principle would operate. The Upper Chamber should not have power to deal with Money Bills. Protection should be assured to the natives by the establishment of an Aborigines Protection Board on the lines laid down by the Governor.

(\*Footnote. Sir H.T. Holland to Broome 3 January 1888.)

Responsible government now became the burning question in Western Australian political life. On 21 March Mr. Hensman moved in the Council a series of resolutions\* setting out the principles which he thought should be embodied in the new Constitution. Briefly they were: that the Executive Council should consist of the Governor and five Ministers of the Crown; that the Parliament should consist of a single Chamber of thirty members, to be called the Legislative Assembly, which should have power to create a second Chamber at a future time if two-thirds of the members were in favour of so doing; that the colony be divided into twenty-eight electoral districts, each of which should return one member except Perth and Fremantle, which should be entitled to two; that the Assembly should be elected for three years; and that the members should be paid actual expenses when sitting, but not more than 50 pounds in any one year.

(\*Footnote. Western Australian Parliamentary Debates volume 13 pages 212 to 213.)

After some discussion these were adjourned so as to allow Mr. Parker to move a further series dealing with the same subject. These, the consideration of which was entered upon on 23 March,\* provided that to indicate the possible future boundary of a northern political subdivision was premature and open to serious objection; that no statutory reservation of northern Crown lands was necessary, as control of legislation over such could be exercised by the Royal veto; that in view of the recently revised land regulations any arrangement for funding the proceeds of sales of northern lands was a needless complication; that the Constitution should provide for two Chambers from the beginning; that the second House should be elected by the people; that the two Houses should have equal authority in legislation; that provision be made for deadlocks; and that there was no necessity to place the protection of the aborigines under a body independent of the Colonial Ministry. These proposals were debated for some days and finally agreed to, those of Mr. Hensman being withdrawn.\*\* The

whole were thereupon embodied in an address to the Governor requesting that in forwarding them to the Secretary of State he would point out the "extreme importance attaching to an early settlement of this most important question."\*\*\*

(\*Footnote. Western Australian Parliamentary Debates volume 13 page 220.)

(\*\*Footnote. Ibid pages 273 to 274.)

(\*\*\*Footnote. Ibid. The resolutions were forwarded in Broome to Lord Knutsford 14 April 1888.)

Governor Broome then, with the assistance of the Executive, applied himself to the task of drafting a Bill. In this he was not a little hampered by the Secretary of State, who had been raised to the peerage as Lord Knutsford. Lord Knutsford, recognising that the colonists were serious in their demand for autonomy, and having admitted the general principle, entered upon a voluminous correspondence in regard to the details.\* One of the difficulties to be overcome was the Secretary's strong desire for a single Chamber. This the Governor rigorously opposed. "There is nothing," he wrote, "so far as I know, within the limits of the British Empire that can be called a precedent for the experiment of a single Chamber in Western Australia, and I think such an experiment full of danger. Much irremediable harm might be done before the Constitution could be changed. Further, it is well known that there is nothing more difficult in politics than to persuade a representative Assembly that it should surrender power; and, whatever rights were reserved to Her Majesty in Council, there might be considerable difficulty in altering a Constitution once granted."\*\* For these reasons the Governor adhered to his contention that there should be two Houses, as in the other Australian colonies, and that both should be elected by the people. The remainder of the dispatch was confined to a statement of the various clauses of a Bill which he had drafted, with the reasons which impelled him to insert them. He suggested a 500 pound qualification for members and a Civil list reservation of 9850 pounds; this would mean an additional charge on the revenue of 6910 pounds each year, including the pensions to those officials deprived of office by the passing of the Bill. The provision for an Aborigines' Protection Board was inserted, and 5000 pounds set down as the sum to be expended annually upon the natives.

(\*Footnote. See Lord Knutsford to Broome 14 July 1888 telegram; 30 July and 31 August 1888.)

(\*\*Footnote. Broome to Lord Knutsford 28 May 1888.)

The copy of the Bill as drafted by the Governor was forwarded with the dispatch. This the Secretary of State amended in various ways,\* the principal alteration being to make the Council a nominee Chamber, and to insert a wider power to divide the colony at any time into two or more colonies if such a course should be deemed wise. The method of procedure agreed upon with regard to the Bill was that it was to be introduced into the Council, and after the opinion of members had been obtained the Council was to be dissolved and the constituencies given an opportunity of pronouncing upon the measure.\*\* It was then to be considered by the new Council, and if passed, transmitted for the approval of the Imperial Parliament.

(\*Footnote. Lord Knutsford to Broome 30 July and 31 August 1888.)



(\*\*Footnote. Broome to Lord Knutsford 13 October 1888 and Lord Knutsford to Broome 26 November 1888.)

The Bill was formally introduced into the Council on 19 October 1888,\* and the debate upon the second reading took place during the first week in November.\*\* The Colonial Secretary, Sir Malcolm Fraser (knighted in 1887) moved its acceptance, and incidentally drew attention to the fact that no provision was made for a member to vacate his seat on being appointed a Minister of the Crown.\*\*\* Strong opposition to a nominated Upper House was shown by Messrs. Parker\*\*\*\* and Hensman,\*\*\*\*\* and equally strong support given to the idea by Mr. John Forrest.\*\*\*\*\* Mr. Parker suggested that the first Council should be nominated for a term of six years, but that on the expiration of that period it should become elective. The provision for possible future separation of the colony also evoked considerable adverse criticism, but in the end the Bill passed its second reading by thirteen votes to nine.\*\*\*\*\*

(\*Footnote. Western Australian Parliamentary Debates volume 14 page 91.)

(\*\*Footnote. Ibid page 177 onwards and 218 onwards.)

(\*\*\*Footnote. Ibid page 179.)

(\*\*\*\*Footnote. Ibid page 182.)

(\*\*\*\*\*Footnote. Ibid pages 196 to 197.)

(\*\*\*\*\*Footnote. Ibid pages 189 to 190.)

(\*\*\*\*\*Footnote. Ibid page 234.)

In accordance with the arrangement agreed upon, Governor Broome prorogued the Council in the following month, and shortly afterwards it was dissolved in order that the Bill might go before the people. In the meantime Sir Frederick Broome had advised the Secretary of State of the debate which had taken place,\* and secured the Minister's approval\*\* to an alteration in the constitution of the Legislative Council so as to make it a nominee body for the term of six years after the inauguration or until the population reached 60,000. On the fulfilment of either of these conditions the Council was to become elective.

(\*Footnote. Broome to Lord Knutsford 6 November 1888.)

(\*\*Footnote. Lord Knutsford to Broome 2 January 1889 telegram.)

The elections were held in January 1889, and disclosed a decisive vote in favour of responsible government. The principal factor in bringing about this result was no doubt the desire of the people to govern themselves, but it was greatly assisted by the refusal of the Imperial authorities to sanction loans on the ground that constitutional changes were impending.

The session opened on 13 March, and on the 18th the Constitution Bill was again introduced and the second reading moved by Sir Malcolm Fraser. The debate that ensued\* was earnest in spirit and almost academic in character, marking the high-water level of Western Australian politics up to that time. Many of the clauses of the Bill which were to some degree repugnant to the colonists were accepted in order that as far as possible everything calculated to jeopardise the measure in its passage through the Imperial Parliament might be avoided. Argument centred chiefly round

three questions--the control of the lands, the electoral qualifications, and the Civil list, and these phases were ably discussed in Committee. The land clauses in the Bill were vague, and did not actually give the Legislature the control of Crown lands. It was understood that Lord Knutsford was prepared to concede absolute control over lands to the south of latitude 26 degrees and partial control over the remainder. Mr. Burt proposed that the entire control of the lands in the South-West, Eucla, and Eastern divisions should be given to the Colonial Parliament, and Mr. Shenton moved, and eventually carried, an amendment vesting all lands south of the Tropic of Capricorn.

(\*Footnote. Western Australian Parliamentary Debates volume 15 pages 22 et seq.)

The franchise was altered so as to give a vote to a lodger who had occupied for twelve months a room or rooms of the clear annual value of 10 pounds, and the duration of the Assembly was reduced from five to four years. The Civil List and Pensions' Schedule were then considered, and reductions to the extent, in all, of 1900 pounds were made. The Bill was reconsidered in Committee on 2 April and other minor alterations made, and on the 5th the third reading was carried on the voices.\* After the Bill had passed through Committee the Governor cabled the fact to the Secretary of State,\*\* and on the 6th a reply\*\*\* to the effect that the only amendments he could agree to were those making the duration of the Assembly four years and giving lodgers the franchise. The Governor then returned the Bill to the Council,\*\*\*\* which, after consideration, decided to insist upon its amendments regarding the land questions\*\*\*\*\* and the Civil List.\*\*\*\*\*

(\*Footnote. Ibid page 246.)

(\*\*Footnote. Broome to Lord Knutsford 4 April 1889.)

(\*\*\*Footnote. Lord Knutsford to Broome 6 April 1889.)

(\*\*\*\*Footnote. Western Australian Parliamentary Debates volume 15 page 253.)

(\*\*\*\*\*Footnote. Ibid pages 266 to 288.)

A deadlock seemed imminent, but it was avoided by the Secretary of State, who intimated that he was prepared to concede control over all lands south of latitude 26 degrees.\* The measure was then returned to the Council for the third time,\*\* and on the advice of the Governor, supported by the earnest appeal of Mr. Parker,\*\*\* the land boundary was accepted and the amendment regarding the Civil List withdrawn. The Constitution Bill finally left the Legislative Council on 26 April.\*\*\*\* On the 29th a memorial was adopted for presentation to the Secretary of State drawing attention to various points--more particularly in regard to the Civil List--which seemed to press hardly upon the colony, and asserting that these matters had been dropped merely in order not to imperil the safety of the Bill.\*\*\*\*\*

(\*Footnote. Lord Knutsford to Broome 13 April 1889 telegram.)

(\*\*Footnote. Western Australian Parliamentary Debates volume 15 pages 299 to 300 and 337 to 338.)

(\*\*\*Footnote. Ibid page 340.)

(\*\*\*\*Footnote. Ibid page 391.)

(\*\*\*\*\*Footnote. Ibid pages 403 to 404 copy of memorial.)

The troubles of the measure were, however, by no means at an end. After reaching London it passed the scrutiny of the Colonial Office successfully and was approved without delay by the House of Lords.\* When it reached the House of Commons it met with a distinctly hostile reception. Both sides of the House showed definite antipathy to it, and the Enabling Bill to give effect to it was shelved after the first reading,\*\* without the slightest consideration being shown to the colony which for two years had relegated almost every other matter to the background in order that responsible government might be secured. When Lord Knutsford cabled\*\*\* to the Governor that there was little or no prospect of the Bill becoming law during the session of 1889, something like consternation was evinced in the colony, as it was felt that further delay would only cause stagnation, but would materially affect the future of Western Australia as a whole. The Legislative Council during a second session passed a resolution\*\*\*\* to the effect that the anticipated delay in the passage of the Enabling Bill would most seriously affect the material prospects of the colony, and tend to destroy confidence in the integrity of the House of Commons. The Governments of the eastern colonies were asked to help by addresses, and to instruct their Agents-General to jointly impress upon the Imperial Government the necessity of passing the Bill before Parliament was prorogued. They all responded to the call,\*\*\*\*\* but their united efforts failed to affect the matter. The session of 1889 ended without the Constitution Bill being passed into law.

(\*Footnote. Hansard third series volume 337 page 1105; volume 338 pages 86, 378 and 515.)

(\*\*Footnote. Ibid page 1536; volume 339 pages 75 to 77; volume 340 pages 89 to 91.)

(\*\*\*Footnote. Lord Knutsford to Broome 23 July 1889.)

(\*\*\*\*Footnote. Western Australian Parliamentary Debates volume 16 pages 18 and 43. The resolution was cabled to Lord Knutsford 27 July 1889.)

(\*\*\*\*\*Footnote. Ibid pages 42 et seq. See also Command Paper 5919 page 5 et seq.)

During the recess Lord Knutsford informed the Governor that in all probability the House of Commons would refer the Bill to a Select Committee.\* It had been suggested\*\* that a delegation should be sent from Perth to assist generally in forwarding the interests of the colony in regard to the measure. To this Lord Knutsford agreed,\*\*\* and advised that Governor Broome, whose term of office was on the point of expiring, should be one of the delegates, and should be accompanied by an unofficial member of the Council. A third session of the Legislative Council was then called toward the end of 1889, and it was decided that the delegates should be the Governor (Sir Frederick Broome) Sir T. Cockburn-Campbell, and Mr. S.H. Parker.\*\*\*\* Later in the session Messrs. John Forrest and W.E. Marmion were commissioned to visit the eastern colonies in order to awaken further interest there,\*\*\*\*\* but the Secretary of State refused to consent to such a mission,\*\*\*\*\* much to the indignation of the colonists.

(\*Footnote. Lord Knutsford to Broome 6 September 1889.)

(\*\*Footnote. Broome to Lord Knutsford 17 August 1889.)

(\*\*Footnote. Lord Knutsford to Broome 12 October 1889.)

(\*\*\*Footnote. Western Australian Parliamentary Debates volume 17 pages 80 and 86.)

(\*\*\*\*Footnote. Ibid page 226.)

(\*\*\*\*\*Footnote. Lord Knutsford to Officer administering government 17 January 1890.)

The delegates left for England in December, Sir Malcolm Fraser being appointed as Administrator during the absence of the Governor, for whose return for a second term representations had been made.\* The Secretary of State was unable to assent to the request, but agreed not to send out a new Governor until the spring of 1890,\*\* so as not to deprive Sir Frederick Broome of his official standing during the negotiations.

(\*Footnote. Western Australian Parliamentary Debates volume 16 pages 123 to 128.)

(\*\*Footnote. Lord Knutsford to Broome 15 and 22 August 1889.)

The dispatch of the delegation was without doubt a very wise move on the part of the colony. Without the active interest and earnest advocacy of its members it is more than likely that Western Australia would not have received justice even during the session of 1890. The Imperial Government had not at that time emerged from the narrow and shortsighted view of colonial affairs which it had always been the custom of British statesmen to take. In the minds of some the colonies seem to have been regarded as useless excrescences, except in so far as they could be made the target for fancy and utterly impracticable theories or serve as a dumping-ground for those types whose absence from England would make England sweeter. Many of the opponents of the Western Australian Constitution Bill may with truthfulness be entered in this category, and while it would be unfair to include Lord Knutsford, as he seems to have been sincere in his desire to grant autonomy, it is doubtful whether he was anxious to grant it without further delay or without unreasonable restrictions upon the control of the lands.

The Enabling Bill, empowering the Queen to assent to the Constitution Bill passed by the Legislative Council of Western Australia, was introduced into the House of Commons in February 1890.\* Some alterations had been made in the Constitution by the Colonial Office; power was given to the Crown to veto any colonial Act aimed at the exclusion of immigrants, and the Secretary of State's pet proposal to give the colony control of the Crown lands south of the 26th parallel of latitude was introduced as an integral part of the Bill.\*\* These two points--immigration and control of the lands--were immediately seized upon by the opponents of the measure, which was under the control of the Under-Secretary of State, Baron de Worms.\*\*\*

(\*Footnote. Hansard third series volume 341 page 211.)

(\*\*Footnote. Ibid page 1354.)

(\*\*\*Footnote. Hansard third series volume 341 pages 1359 to 1367.)

The head and front of the opposition was Sir George Campbell, who announced his intention of blocking the second reading. To prevent this a conference between Sir George and some of his followers on the one hand, and Baron de Worms, Sir

Frederick Broome, Sir William Robinson (nominated as the new Governor) Sir T. Cockburn-Campbell, and Mr. Parker was held, but without any success at the moment.\* When, however, the second reading was moved, the opponents refrained from blocking it, and it was carried on 27 February.\*\* Had the block been persisted in, the results might have been disastrous to Western Australia, as the Salisbury Government had its hands more than full of contentious matters upon which its very existence depended, and would not have been likely to invite further trouble over a measure which in its view was not really pressing.

(\*Footnote. Letter from Sir T. Cockburn-Campbell 26 February 1890 in *West Australian* 2 April 1890.)

(\*\*Footnote. *Hansard* third series volume 341 page 1396.)

After the second reading had been agreed to, the Bill was referred to a Select Committee of nineteen members, with Baron de Worms as chairman. Between 13 March and 6 May twelve meetings were held, in the course of which the Western Australian delegates were subjected to a searching examination, which was so ably met that much of the opposition to the Bill was dispelled.\*

(\*Footnote. See Report of Select Committee House of Commons Papers 1890 Number 120.)

Sir Frederick Napier Broome reiterated even more strongly the arguments put forward in his numerous dispatches, more especially those which related to immigration and the control of the lands. Mr. Parker was still more emphatic. The people of the colony were, he said, anxious to have the change, and at the preceding elections not one candidate had advocated the retention of the existing method of government. That the financial conditions of the colony were not then very strong he admitted, but considered it was due to the shortsighted policy of the Colonial Office in refusing to agree to loans on the ground that changes in the Constitution were impending. He was in favour of an immigration policy, but considered that the colony should have at its command the capital necessary to settle people on the land. Unrestricted immigration would not give good results either to the colony or the immigrant, especially as the south-west portion was the only part where immigrant labour would have a chance of success. He was particularly opposed to the idea of the Colonial Office retaining control over any portion of the lands of the colony, and considered that the clause inserted by the Secretary of State should be omitted. So far as defence matters were concerned, the policy of the Imperial Government and of the colonial authorities was the same, and Western Australia would welcome whatever fortifications in the way of protection the Home authorities thought wise to construct. Sir Thomas Cockburn-Campbell's opinion was on much the same lines. He thought that colonial administration of the lands was wiser than Colonial Office administration, as past experience had shown that in its desire to get rid of the lands the latter had not always kept clear of the land jobber. With regard to the aborigines, there was little objection to an Aborigines' Protection Board, which, after all, was merely designed to satisfy the qualms of Exeter Hall.\*

(\*Footnote. See Report of Select Committee House of Commons papers 1890 Number 120.)

The report of the committee was more favourable than the delegates expected. The objections urged against the Bill were made light of, and shown to be opposed to fact. The report further recommended that the complete control of the lands of the colony should be given to the Colonial Legislature without any restriction.\*

(\*Footnote. Ibid page 8.)

Between the date of presentation of the report and the date of its consideration every nerve was strained, alike by the members of the delegation, Sir William Robinson, and the various Australian Governments, to secure the safe passage of the measure. The Agents-General waited upon Mr. W.H. Smith, the First Lord of the Treasury, and secured from him a promise that the Bill would be pressed during the session. This was necessary, as the opponents of the measure persisted in their attitude,\* and now argued that the whole measure was so conservative in character that it could not possibly be acceptable to the people generally in the colony. The earnestness and ability of the delegates, however, combined with the favourable report of the Select Committee, proved too strong to combat, and the Enabling Bill passed its third reading on 4 July 1890,\*\* the Constitution having been altered in the directions advised by the committee. Very little time sufficed to secure the approval of the House of Lords, and the Royal Assent was given on 25 July.\*\*\*

(\*Footnote. See the debates in Hansard third series volumes 345 and 346.)

To apportion individual credit for the success is perhaps difficult, but the two who seem to stand out as most worthy of recognition are Mr. (now Sir) S.H. Parker and Sir Frederick Broome. Mr. Parker, with unusual farsightedness, had been earnest, in and out of season, in his advocacy for responsible government, and Western Australia owes not a little to the ability and astuteness with which he guided the party which was favourable to it. Sir Frederick Broome, trammelled by Colonial Office regulations, started his administration as the opponent of any change, but experience in the colony and of its people led him firstly to admit that as a principle autonomy had much in its favour, and lastly to give his strong adherence to the movement for securing it. That so favourable a Constitution was framed and ultimately passed is due in no small measure to the masterful qualities of statesmanship that he displayed.

The new Act\* made provision for the establishment of a Legislative Council and Legislative Assembly, the former to consist of fifteen members nominated in the first instance by the Governor, and the latter of thirty members elected by the people. Each Chamber was to meet at least once in every year. No member of the Council could hold any office of profit under the Crown, except such as was held under military regulations. One responsible Minister at least must be a member of the Council. The first Council was to last for six years or until the population of the colony reached 60,000. On the occurrence of either event the Council was to become elective, for which purpose the colony was divided into five provinces--the Metropolitan, the Northern, the Central, the Eastern, and the Southern--each returning three members, whose tenure of office should be for six years. The members would retire in rotation, the senior member to go before the electors every two years. The franchise was limited to leaseholders of 200 pounds capital value, and householders and leaseholders of 30 pounds annual value. The first President was to be appointed by

the Governor, but as soon as the elective principle came into operation the Council was to elect its own President.

(\*Footnote. 52 Victoria Number 23 Enabling Act 53 and 54 Victoria c.26.)

Writs for the election of members of the Assembly were to be issued by the Governor, and the Assembly could proceed to business, provided not more than five writs were not returned. The duration of the Assembly, which elected its own Speaker, was set down at four years. The qualification of membership in either House was freehold in lands or tenements to the capital value of 500 pounds, or annual value of 50 pounds, the possession of which had to be declared. Supreme Court judges, the Sheriff, clergymen, undischarged bankrupts, persons whose affairs were in liquidation, and those attainted or convicted of treason or felony were disqualified from membership in either House. Contractors to the Government were also debarred, and the acceptance of a contract by a member rendered his seat vacant. There were to be five Executive Ministers, and the offices they held were to be declared by the Governor within one month of the coming into operation of the Act.

For the purpose of elections to the Legislative Assembly the colony was to be divided into thirty districts, irrespective of its population--a provision that at a later date gave rise to curious anomalies of representation. The electoral districts were East Kimberley, West Kimberley, Roebourne, De Grey, Ashburton, Gascoyne, Murchison, Geraldton, Greenough, Irwin, Moore, Swan, Perth, East Perth, West Perth, Fremantle, North Fremantle, South Fremantle, Murray, Wellington, Bunbury, Nelson, Sussex, Toodyay, Northam, York, Beverley, Williams, Plantagenet, and Albany. Every man was entitled to be registered and to vote who was of full age and not subject of any legal incapacity; who was a natural born or naturalised subject of Her Majesty or a denizen of Western Australia; who had possessed within his electoral district for at least one year before registration a freehold of the value of 100 pounds or a leasehold or licence of the annual value of 10 pounds, or occupied a dwelling or lodging of the annual value of 10 pounds. Those who had been attainted or convicted of treason, felony, or infamous offence, and had not served the sentence or been pardoned, were disqualified.

The financial clauses provided that all Money Bills must originate in the Assembly, by message from the Governor. The Civil List amounted to 9850 pounds, apportioned as follows: Governor 4000 pounds; Private Secretary 300 pounds; Clerk of the Council 250 pounds; Chief Justice 1200 pounds; Puisne Judge 900 pounds; and five Ministerial salaries 3200 pounds. The pensions to those officers who lost their positions by virtue of the Act were set down as: Colonial Secretary (Sir Malcolm Fraser) 700 pounds; Attorney-General (C.N. Warton) 333 pounds 6 shillings and 8 pence; Colonial Treasurer (A.O'G. Lefroy) 550 pounds; and Surveyor-General (John Forrest) 500 pounds. In case of reappointment under the Crown, the pension merged in the salary during the term of the appointment. Provision was also made for the payment of 5000 pounds annually to an Aborigines' Protection Board for the amelioration of the condition of the aborigines, the amount to become 1 per cent of the gross revenue when such revenue advanced beyond half a million sterling.

The Act was to be proclaimed and come into operation within three months of the receipt in the colony of official information that the Royal Assent had been given.

These were the main provisions of the Act, and though in many ways they would be accounted liberal today, they were a distinct step forward at the time, and they placed the power of liberalising them, when such a step was deemed necessary, in the hands of the colonists themselves. For many years Western Australia had struggled to throw off the shackles of the Colonial Office, and the fact that this had at last been accomplished gave extreme satisfaction to the people generally, even if for the time being they were debarred through want of population from a full voice in their country's affairs.



## **CHAPTER 16. 1891 TO 1900. FIRST TEN YEARS OF RESPONSIBLE GOVERNMENT.**

### **CONSTITUTIONAL AND POLITICAL OCCURRENCES. PHENOMENAL DEVELOPMENT OF THE GOLDFIELDS. RESOURCES, INDUSTRIES, AND TRADE. LAND LAWS AND AGRICULTURAL DEVELOPMENT. GENERAL.**

The task of bringing the new Constitution into operation and of guiding it in the early stages was entrusted to Sir William Robinson, who had already served two terms as Governor of the colony, and was an able and experienced officer in the Public Service. He arrived amid much rejoicing, due no doubt as much to his mission as to his personality, on 20 October, and on the following day--21 October 1890--the Act was proclaimed,\* and Western Australia witnessed the consummation of many years of waiting.

(\*Footnote. West Australian 22 October 1890.)

The first matter to be settled, according to the popular idea, was the selection of a Ministry. The rival claimants, each of whom had active support, were Mr. S.H. Parker and Mr. John Forrest. The one could fairly claim that his twelve years' tenure of membership in the old Legislative Council had given him a full grasp of the political needs of the time, and that he, in a special sense, had been the leading spirit in that long-continued agitation which had just been brought to a successful conclusion. The other had won his spurs as an administrator, having controlled for many years the most important phase of colonial expansion--the land system at its development. As an explorer, too, he was deservedly popular, especially among that section which accounted deeds of more importance than words. Governor Robinson wisely decided to make no choice until the Parliament had been chosen and he was in a better position to judge which claimant was the more likely to form and carry on a stable government. It was decided to hold the elections in December, and the campaign was entered into with great activity and enthusiasm. Most interest centred round the speeches of the claimants to leadership, whose policies in the main agreed. Mr. Parker, on the one hand, looked for population as a preliminary to securing loans; while Mr. Forrest advocated an extensive loan policy as a means of inducing immigration. Both recognised that a vigorous public works policy was necessary to the prosperity of the colony.

From the result of the elections it was evident that Mr. Forrest commanded a larger following than Mr. Parker, and he was consequently commissioned by Governor Robinson on 22 December\* to form the first Ministry under responsible government in Western Australia. Two days later he submitted the names, which were approved by the Governor, and the Ministry was sworn in on the 29th.\*\* The Cabinet consisted of John Forrest, C.M.G. (Premier and Colonial Treasurer) George Shenton (Colonial Secretary) S. Burt, Q.C. (Attorney-General) W.E. Marmion (Commissioner of Crown Lands) and H.W. Venn (Commissioner of Railways and Director of Public Works).\*\*\* All, with the exception of Mr. Shenton, who represented the Government in the Council, were members of the Legislative Assembly. The Governor appointed

Sir Thomas Cockburn-Campbell President of the Legislative Council, and the Assembly elected Sir James G. Lee Steere as Speaker.\*\*\*\* Parliament then adjourned till 20 January 1891, to allow Ministers to go before their constituents. All were returned unopposed.

(\*Footnote. West Australian 23 December 1890.)

(\*\*Footnote. Ibid 30 December 1890.)

(\*\*\*Footnote. Western Australian Parliamentary Debates new series volume 1 page 5.)

(\*\*\*\*Footnote. Ibid pages 1 and 3.)

One of the first matters which claimed the attention of the Government was the reorganisation of departments in order to meet the altered conditions of administration.\* Following upon that the Aborigines' Protection Board, which was necessary under the Constitution, was appointed, and the money required for the protection of the aborigines together with the administration of all matters dealing with them was placed under its charge.

(\*Footnote. Ibid page 6.)

The Ministers were so much occupied in this administrative organisation, and in an examination of the exact financial condition of the colony, that little time was left in which to prepare an extensive political programme for submission to Parliament. Such a programme was also to an extent unnecessary at the time, as it had been decided that the session should be a short one, in order to allow the colony to be represented at a National Australian Convention to be held in Sydney early in March to discuss a proposal for the federation of all the Australian colonies.

Parliament met for business on 20 January, as stated, and the Governor's speech showed that the principal measure to be submitted was a Loan Bill of some magnitude,\* by means of which a vigorous public works policy was to be initiated. The amount asked for, which somewhat staggered the older members, who were accustomed to speak of public finance only in thousands, was 1.336 million pounds.\*\* With this money it was proposed to extend the railway system of the colony so as to increase transport facilities for the agricultural, timber, and mining industries; to improve the harbour accommodation at Fremantle and other ports; to bring country districts into telegraphic communication with the capital; to erect a lighthouse at Cape Leeuwin, and to extend the public buildings so as to provide accommodation for the necessarily increased staff.\*\*\* So varied was the list that Mr. Parker, who had become a candid critic of Government actions, seemed to think that it was an attempt to catch votes by giving every member something.\*\*\*\* The Bill, however, was pushed by Mr. Forrest, whose majority turned out to be even greater than was anticipated, and after a short debate was carried, members generally expressing the conviction that the future of the country was promising enough to justify it. After having elected representatives to the Federal Convention,\*\*\*\*\* which will be discussed in the succeeding chapter, the two Houses were prorogued on 26 February. Before they met again the honour of knighthood had been conferred upon the Premier.

(\*Footnote. Western Australian Parliamentary Debates new series volume 1 page 6.)

(\*\*Footnote. 54 Victoria Number 9. It may be noted that Sinking Funds are provided in connection with public loans in Western Australia. At the present time (1921) these funds for all loans amount to 7,641,563 pounds.)

(\*\*\*Footnote. 54 Victoria Number 9.)

(\*\*\*\*Footnote. Western Australian Parliamentary Debates new series volume 1 pages 137 et seq.)

(\*\*\*\*\*Footnote. Ibid page 375.)

Sir William Robinson left the colony in September 1891, and from that date until his return in the following July Chief Justice Onslow occupied the position of Administrator. In that capacity he opened the second session of the Parliament in December, and commented in favourable terms upon the improved condition of the colony generally. The session, which lasted until March 1892, was a fairly busy one, especially in those matters necessary to complete the administrative organisation, to provide authority for railway construction, and to bring the local legislation more into line with modern thought. Nothing of an ambitious, far-reaching, or experimental character was attempted. Many questions of importance did from time to time arise, but these were generally the outcome of some important phase of thought, activity, or development in the colony itself, and may more fittingly be discussed in connection with the circumstances which brought them into being. So far no party policy had been enunciated; the only aim of the Government was the development of the country.

In the third session of the Parliament, which occupied the closing months of 1892, two measures were brought forward, which, though they did not then become law, give a good indication of the progressive spirit of Sir John Forrest and his colleagues. These were an amendment of the Constitution and a Homesteads Bill. The objects of the first\* were to abolish the property qualification of members, to extend the franchise, and add two new members to the Legislative Council and three to the Legislative Assembly. The Lower House was in favour of the scheme,\*\* but the Council, in its character of a drag upon hasty legislation, would not agree to it.\*\*\* The second measure, the Homesteads Bill, aimed at encouraging settlement by making free grants of restricted area to settlers who were prepared to live upon and work the land in accordance with conditions laid down. The Bill passed the second reading by a narrow majority;\*\*\*\* that it gained a majority at all seems to have been more out of compliment to the Premier than belief in the measure. But so adverse were the opinions expressed that the measure was withdrawn at that stage.\*\*\*\*\* The session concluded with the Midland Railway Loan Act,\*\*\*\*\* authorising the Government to guarantee payment of principal and interest up to 500,000 pounds. This was rendered necessary by the fact that the Company had found it extremely difficult to raise the money needed for the construction of the line, and there was every possibility of the work being indefinitely suspended.\*\*\*\*\* Happily, the action of the Government averted this possibility, and more happily still, perhaps, it brought home to the colony the knowledge that land-grant railways, from whatever point they were viewed, were not conducive to development.

(\*Footnote. Western Australian Parliamentary Debates new series volume 3 pages 105 to 112.)

(\*\*Footnote. Ibid page 351.)

(\*\*\*Footnote. Ibid page 385.)

(\*\*\*\*Footnote. Ibid page 242.)

(\*\*\*\*\*Footnote. Western Australian Parliamentary Debates new series volume 3 pages 319 and 335.)

(\*\*\*\*\*Footnote. 56 Victoria Number 19.)

(\*\*\*\*\*Footnote. Western Australian Parliamentary Debates new series volume 3 page 538.)

The hopefulness that prevailed after the establishment of responsible government, and the enterprise and determination shown by Ministers in providing for the needs of a great colony, are seen by the efforts made to secure proper harbour facilities at Fremantle. This was one of the questions that had agitated the public mind for years, and upon which advice had more than once been sought but no finality reached. Sir John Coode, it will be remembered, had feared sand-travel if harbourage was attempted at the mouth of the river, and advocated a passage through Success Bank into Owen Anchorage, and, if necessary, through Parmelia Bank into Jervois Bay and Cockburn Sound.\* With this idea the Engineer-in-Chief did not agree. There was, in his opinion, no direct evidence of sand-travel which would prevent the construction of a river harbour; but if it was found that sand did accumulate, it could easily be removed by dredging. He advocated the construction of breakwaters from Arthur and Rous heads, the dredging of a channel between them, and the excavation of a basin within the mouth of the river, where wharves and storehouses could be erected. The estimated cost was 560,000 pounds, or 800,000 pounds if the scheme were enlarged.\*\* At first the Government was inclined to adopt Sir John Coode's idea,\*\*\* but as Mr. O'Connor's scheme was approved by other engineers they referred the whole question for investigation to a joint committee of both Houses.\*\*\*\* This committee reported in favour of the Engineer-in-Chief's scheme,\*\*\*\*\* and the report was formally adopted in 1892.\*\*\*\*\* In November 1892 Lady Robinson tilted the first load of stones to form the mole or breakwater, and the work, which has resulted in the present admirable harbour at Fremantle, was entered upon--a monument to the foresight of the Forrest Government and to the ability of the Engineer-in-Chief of the time--Mr. C.Y. O'Connor.

(\*Footnote. Western Australian Votes and Proceedings 1891/2 Paper 17.)

(\*\*Footnote. Ibid Paper A2.)

(\*\*\*Footnote. Western Australian Parliamentary Debates new series volume 2 pages 186 to 188.)

(\*\*\*\*Footnote. Ibid page 329.)

(\*\*\*\*\*Footnote. Western Australian Votes and Proceedings 1891/2 Paper A9.)

(\*\*\*\*\*Footnote. Western Australian Parliamentary Debates new series volume 2 pages 808 and 816.)

This and other works of magnitude show that progress had replaced the stagnation and that the colony was rapidly emerging from the slough of Crown colony days. The abnormal development of the goldfields was no doubt a prominent factor in the result, as it also was in preventing the bursting of the eastern colonies' boom from being appreciably felt in Western Australia. In fact, the speeches in Parliament during 1893 expressed a confidence in the colony such as had never before been apparent. There still, however, remained one little rift within the lute in the nominated character of the Upper House. The general feeling that a nominee Chamber was a bar to progress prevailed, and this was accentuated by the Council's refusal to pass the amendment to the Constitution Act brought forward in 1892. By the end of that year the population of the State was nearly 59,000,\* with every prospect of reaching in a few months the 60,000 required to turn the Legislative Council into an elected body. The amendment was therefore reintroduced in 1893 and passed through the Assembly without difficulty.\*\*

(\*Footnote. See Statistical Summary Appendix 4.)

(\*\*Footnote. Western Australian Parliamentary Debates new series volume 4 pages 66, 89 and 337.)

In the Council it again met with opposition, mainly through a desire, as the newspapers put it, to give representation to "land, sand, sheep, and kangaroos." Several alterations were made to which the Assembly declined to agree,\* and a conference between the two Houses was then resorted to. This failed to come to a decision,\*\* but the difficulty was solved by a catch vote in the Council on the same evening by which the Assembly gained its way,\*\*\* and the Bill was passed practically as it left the Lower House. It was assented on 13 October 1893,\*\*\*\* and provided for an elected Legislative Council of twenty-one members, three from each of the following provinces: Metropolitan, West, North, Central, East, South-East, and South-West; and a Legislative Assembly of thirty-three members, representing the original thirty electorates and three new ones comprising the goldfields, Pilbara, Nannine, and Yilgarn. The property qualification for membership was abolished in both Council and Assembly, but the qualifying age was raised to thirty in the case of the Council. The electoral qualification for the Council was reduced to a 100 pound freehold or 25 pound annual value basis, but the owner or occupant must have been in possession for twelve months before registration. The Assembly voter only needed to have resided in one place in Western Australia during the preceding twelve months. As regards Money Bills the Council was given power to return them to the Assembly with a request for the omission or alteration of any items therein. No provision for the compilation of electoral rolls was inserted in the Act, and a special session of Parliament had to be summoned in December to remedy the defect.

(\*Footnote. Ibid volume 5 pages 723, 929 and 932.)

(\*\*Footnote. Ibid page 1033.)

(\*\*\*Footnote. Ibid pages 1024 to 1025.)

(\*\*\*\*Footnote. 57 Victoria Number 14.)

The Assembly elections were held in June 1894, and the Council elections in July. In both cases there was considerable alteration in the personnel. The new Council was composed of men more in touch with the life of the community than were those of the

nominated body, but it was still a cautious rather than a progressive Chamber; an advantage, perhaps, at the time, as the gold discoveries were not altogether conducive to a sane and safe outlook. In the Assembly there were several new members, but there was little change from a political point of view, except that the representatives of the goldfields, with one or two others, formed a nucleus of an opposition, which, however, did not become of appreciable strength during the long term that Sir John Forrest held office. The session of the reconstituted Parliament held in 1894 was mainly devoted to questions of public works and railway development which the unexpected expansion of the colony rendered necessary. Two further amendments of the Constitution were brought forward. The first, which was agreed to, reduced the penalty recoverable from a member who sat without possessing the necessary qualification;\* the second, which was also passed by Parliament but vetoed by the Crown, referred to the abolition of the Aborigines' Protection Board.\*\* Under the Constitution the Government was required to pay over 1 per cent of the gross revenue, when that revenue exceeded 500,000 pounds, to that Board for disbursement in connection with the natives. The revenue had passed the half-million mark and the clause came into operation, but ministers disapproved, and it seems rightly, of paying away a large sum of money over the expenditure of which they had no control. They desired, and Parliament supported them, that the money should be expended under the direction of a responsible Minister. The Home authorities failed to agree, and Royal Assent to the amendment was withheld. This led to a lengthy correspondence with the Colonial Office,\*\*\* and in the result the Bill lapsed in accordance with the provision that a reserved Bill, not assented to within two years, lapses. A new Act was passed during 1897,\*\*\*\* which received the Royal Assent and was proclaimed early in 1898.\*\*\*\*\* There is very little doubt that the natives, so far from losing, have gained by the change.

(\*Footnote. 58 Victoria Number 15.)

(\*\*Footnote. 58 Victoria Number 37.)

(\*\*\*Footnote. See Votes and Proceedings 1894 Paper A2; 1895 page 236; 1896 Paper Number 18. Also Debates new series volume 8 pages 658, 1116, 1184 et seq.)

(\*\*\*\*Footnote. Western Australian Parliamentary Debates new series volume 11 pages 393 to 401 and 419 61 Victoria Number 5.)

(\*\*\*\*\*Footnote. Western Australian Government Gazette 1898 page 813.)

In view of the growth of the mines and other departments consequent upon the development of the mining industry and the rapid increase in population, it became necessary toward the end of 1894 to rearrange the Ministerial offices. The resignation by Mr. Marmion of the Lands portfolio on 4 December offered the opportunity which the Premier was not slow to seize. The Lands Department was accepted by Mr. A.R. Richardson, and Sir John Forrest took the Colonial Secretaryship in addition to his post as Treasurer. To Mr. Parker, thus dispossessed, was offered the new post of Minister of Mines and Education, but as he differed from the Premier on the education question he declined it, and the portfolio was accepted by Mr. (now Sir) E.H. Wittenoom. The desire seems to have been to secure a Cabinet whose members would be amenable to one strong will.

Early in the following year the colony lost the services of Sir William Robinson, who left for England in March. While not, perhaps, in every respect an ideal Governor, there is no doubt that as constitutionalist he stood in the first rank, and the country could not have had a wiser head to direct its first steps along the path of responsible government. After his departure Sir Alexander Onslow (knighted in 1893) acted as Administrator until the following December, when the new Governor, Lieutenant-Colonel Sir Gerard Smith, arrived.

For a full understanding of the subsequent position of the colony, it is necessary at this stage to digress somewhat in order to chronicle the rise and development of the goldfields. There is no doubt that the most striking and important feature of Western Australian history during the period 1891 to 1900 was the abnormal gold discoveries--discoveries which, with the rush of population consequent thereon, had not only wide and far-reaching effects upon the administration, but affected every phase of life and industry in the community.

The gold almost seems to have waited for the advent of responsible government to declare itself, or perhaps it was that a freer, more independent, and more enterprising spirit came upon the people through the change. Whatever may have been the impelling cause, the story of the rise of Western Australia from the position of an almost neglected territory to the status of one of the greatest gold-producing countries of the world possesses all the elements of a romance. It is not necessary to enlarge upon the many incidents, some humorous, some pathetic, but all intensely interesting, which occurred on the different fields. Putting all those aside, however, even the most simple and unvarnished narrative almost suggests that the lamp of Aladdin had found a resting-place under the protecting wing of the Black Swan.

The proposal of the Government to extend the eastern railway from Northam to Southern Cross\* seems to have had the effect of establishing confidence in the possibilities of the Yilgarn field, and as a result capital was more freely invested and prospecting carried on over a wider area. Southern Cross became quite an active little mining town, and though the returns for 1891 did not altogether justify the large expenditure necessary to build a railway, the field produced the largest yield in the colony for the year--12,833 ounces, out of a total of 30,311, Pilbara being next with 11,875.\*\*

(\*Footnote. Western Australian Parliamentary Debates new series volume 2 pages 133 to 137 and 330 55 Victoria Number 12.)

(\*\*Footnote. Western Australian Geological Survey Bulletin Number 16 pages 19 and 34; and Statistical Summary Appendix 4.)

These returns encouraged the belief that somewhere in Western Australia there existed gold in large quantities, and attention was directed to those districts where, in former years, the possibility of its occurrence had been suggested. As far back as 1854 Mr. Robert Austin, when exploring along the Murchison River, had described the country as of promising mineral character, and from time to time odd specimens of gold had been found here and there throughout the district. Mr. H.P. Woodward, the Government geologist, after examining the locality in 1889, supported Mr. Austin's view, and reported upon the encouraging appearance of the ground between the great bend of the Murchison and Milly Milly. In 1890 gold was found at Yuin,

and in August 1891, Mr. J.F. Connolly reported the discovery of rich alluvial about 200 miles east of the coast.\* Before the end of September there were between 300 and 400 men scattered over the field, most of whom were making good wages, and some of whom were securing excellent returns. Nuggets varying from 2 to 40 ounces were picked up, mostly on the surface; in fact, all the gold was found either on or within a few feet of the top of the ground. The Murchison goldfield was proclaimed on 24 September 1891, and Mr. W.A.G. Walter was appointed the first Warden.\*\* Its headquarters were at Nannine, but the centre of activity was soon moved to Cue, a township that sprang up in a large field of exceptional richness discovered by Messrs. Cue and Fitzgerald, where gold could be secured by the simple processes of "specking" and "dry-blowing." These finds led to extensive prospecting over the whole district, and from time to time reports of further discoveries were announced. Rich gold-bearing reefs were found at various places, notably at the "Island" in Lake Austin, where in addition to rich quartz a channel of cement was found which for a time gave marvellous returns. The report of gold at Yuin, in the Nancarrang Hills, made in 1890, led to the opening up of the Yalgoo field, where from the cap of a reef gold to the value of 15,000 pounds was "dollied." From Day Dawn, a little to the south of Cue, and from Mount Magnet, about thirty miles still farther south, excellent results were secured; in fact, throughout the whole of the Murchison district gold was obtained, often in small, sometimes in large quantities, and the official returns for 1892 show that it had wrested from Yilgarn the pride of place, exporting 24,356 ounces, as against 21,209 ounces. The Pilbara field in the same year yielded 12,892 ounces, and the Kimberley 1088 ounces. The total value was 226,284 pounds--a large amount for a country described by some scientific men as being non-auriferous.\*\*\*

(\*Footnote. See note above and also Summary on mineral discoveries in Western Australian Year Book 1902 to 1904 part 9.)

(\*\*Footnote. Western Australian Government Gazette 1891 pages 697 and 711.)

(\*\*\*Footnote. Western Australian Geological Survey Bulletin Number 16 pages 17, 19, 27 and 34 and Statistical Summary Appendix 4.)

Meanwhile prospecting was being assiduously carried on over the Yilgarn field with varying success. Two adventurous spirits, Speakman and Ryan, struck out toward the north-east and found a good reef in the direction of what was later to achieve an unenviable reputation under the name of Siberia. Attention was also directed toward the district known as Dundas, south-east of Southern Cross, and in the vicinity of Fraser Range. A Mr. Moir, looking for grazing areas, had found some indications of gold in the neighbourhood in 1890, and Mr. David Lindsay, of the Elder Exploring Expedition, who passed over it in 1891, spoke of it as a possible mineral area.\* With a companion named Stewart, Moir prospected the district in 1892 without success, but other prospectors who, encouraged by Lindsay's opinion, followed upon Moir's heels met with better fortune. These discoveries led to other parties setting out, and further indications were obtained, but the value of the find was dwarfed by the extraordinary announcements of a few weeks later, announcements which brought Western Australia into prominence as one of the great gold-producing countries of the world.

(\*Footnote. Journal of Elder Exploring Expedition 1891 to 1892 Adelaide 1893 page 112.)



Experienced miners, after a close examination, were convinced that so far from being the centre of a goldfield Yilgarn was only on the fringe, and that greater discoveries would be found farther east, somewhere in that arid, trackless desert that stretched across to the South Australian border. Obsessed by the lust for gold, they went out into this region, prepared to brave the dangers in the hope of finding that which would make them rich beyond the dreams of avarice. Not all who went out succeeded in winning through, as the memorial in Coolgardie Cemetery, "To the men who blazed the track," bears eloquent and pathetic testimony. Many who did reach the new El Dorado gained little benefit from their exertions, but all have a right to share in the credit of Coolgardie and Kalgoorlie--names that for years were words to conjure with on the stock exchanges of Europe.

In 1891 and 1892 several parties left Southern Cross with the intention of crossing the Hampton Plains (discovered by Hunt in 1864) in the hope that gold might be found there. Most of them were not only unsuccessful in their search, but were reduced to sore straits through want of water, and compelled to turn back. Among those who set out in 1892 were Arthur Bayley and John Ford, two miners who had become inured through experience to the dangers of the Western Australian bush. Bayley, who was one of the first diggers at Nannine, is said to have raised over 1000 ounces from one claim. Tiring of the Murchison, he and Ford returned to Perth, where they sold their gold and set out upon a prospecting expedition. They proceeded first to Mount Kenneth, about 250 miles north-east of Perth; here they lost their horses and had to walk back to Newcastle. Having purchased a new outfit, they next set out for the locality of Speakman's find, north-east of Yilgarn, but turned back on meeting other miners returning from the place with discouraging reports. They then headed for Southern Cross, and having purchased provisions for about two months started out eastward on Hunt's old track. After a very tedious trip, when they were nearing the now famous field, they were compelled to turn back and rest for a couple of days at the Gnarlbine Soak. Starting out again through boggy country they reached in July the place known to the natives as Coolgardie. Finding it covered with good grass they let the horses out to graze and proceeded to prospect the surrounding flats. Here Ford picked up a 1/4 ounce nugget, and before dinner they had secured 20 ounces. They named the place Fly Flat, and decided to remain there till the provisions ran short. In the course of three or four weeks they secured about 200 ounces. Forced to go back to Southern Cross for supplies, they said nothing about the find, but returned to Fly Flat as quickly as possible, and on the first Sunday after they arrived discovered the reef which soon became famous throughout the mining world. That evening they broke off the cap of the reef with a tomahawk and dollied over 500 ounces. The following morning they pegged out a claim, reckoning that there were 2000 ounces in sight. Shortly afterwards Messrs. Foster and Baker, who had tracked them from Southern Cross, put in an appearance, and pegged out an adjoining area, from which in three days they secured 200 ounces of gold. Leaving Ford to guard the claim, Bayley made his way quickly to Southern Cross and applied to Warden Finnerty, on 17 September 1892, for a lease of the area, showing at the same time the 554 ounces of gold that he had brought back. The field was then declared open, and the news of it telegraphed far and wide. The Mining Registrar's offices, and even his quarters, were besieged by a multitude of able-bodied men, all anxious to secure miners' rights. On 20 September Bayley started back for Coolgardie, but this time not alone. Warden Finnerty went with him, and practically the whole of Southern Cross either accompanied them or followed shortly after, most of the throng being better equipped with miners' rights

than with provisions. To enter a practically waterless territory at the beginning of summer, not in ones or twos but in hundreds, was a course attended by no little danger; but in their eagerness to obtain gold the necessity for eating and drinking seemed trivial.

The excitement soon spread to Perth and other centres. In Perth and Fremantle everyone seemed to be either carrying tents, picks, shovels, and dishes, or otherwise preparing for the road.\* From York over 200 eager gold-seekers went forth by whatever mode of conveyance they could secure, and if none were available, on foot, for the land of gold. With so ill-advised a rush it was not long before provisions and water were of even more account than gold in Coolgardie. On 8 October Bayley returned to Southern Cross in company with the Warden to deposit a further 500 ounces of gold. Mr. Finnerty reported to the Government that there was no well-defined lode showing on the surface, but that a line of quartz, in places nearly 20 feet wide, could be traced through Bayley's ground. There were then, he said, 150 men at Coolgardie, and he met 170 going out. By the end of October the number had increased to about 400, and something like 3000 ounces of gold, principally alluvial, had been secured. Alluvial seekers were permitted to work within 20 feet of a reef. The water and food difficulty now became a serious one, and many of the miners, particularly those who had not been successful, were compelled to make their way back to Southern Cross, proclaiming to all they met that the field was a failure. As the hot weather proceeded, everyone was driven away through want of water, so that by the end of the year Coolgardie, for the time being at all events, was almost deserted.

(\*Footnote. West Australian 21 September 1892.)

Anticipating that the rush would set in again with even greater force as soon as the summer was over, Warden Finnerty urged the Government to excavate large tanks along the track and take measures to conserve the rains that fell upon the large granite outcrops, so that the water difficulty might be, at any rate, lessened during future dry seasons. His prediction of an influx was more than realised. Showers of rain fell over the eastern districts in March, and within a few days there were over 300 men at Coolgardie. From all parts of the colony, as well as from outside, they hurried to try their luck, riding or driving if they could, walking if funds were low. The camel became for the time the most useful beast of burden in Western Australia. By the end of 1893 there were nearly 700 in the colony, and up to the opening of the Coolgardie railway it was no uncommon sight to see trains of eighty, ninety, or a hundred camels, loaded with provisions and other requirements, wending their way slowly through Perth on their weary tramp to the goldfield.

Coolgardie by this time began to assume the proportions of a little town. Building timber being unprocurable on the spot, and very expensive to bring from Perth, most of the structures were frames covered with hessian or galvanised iron, and some no more than modest bush shelters. Stores of all kinds were opened, and, needless to say, a sufficient number of hotels. Although unimposing from an architectural standpoint, the little township in those days provided more excitement than probably any spot in Australia. Bayley's claim continued to give sensational returns, and from time to time pockets of gold of extraordinary value were discovered by lucky miners, some of whom in a single day would become the fortunate possessors of hundreds of ounces. Messrs. Sylvester, Browne & Co purchased for a fortune the claim of Bayley and

Ford, and also secured another rich find made by McFarlane and Robinson some two miles south of Coolgardie. Leases were applied for and prospecting for alluvial carried on over a rapidly extending area. By the end of June there were over 2000 men on the field, with hundreds more on the way. Food supplies failed, and for days at a time men lived chiefly on preserved meats--colloquially, "tinned dog." This dearth of fresh food, combined with a poor water supply and an almost entire absence of sanitary precautions, added typhoid fever to the other tribulations, and many of the early pioneers went down before its virulence.

The presence of so large a body of men, all eager in the search for gold, meant that prospecting was carried on over a wide and rapidly expanding tract of country. In May a prospector named Frost discovered indications at a place called, from its distance from Coolgardie, the Ninety-Mile, but now known as Goongarrie. There was a small rush to the locality, but the finds were not sufficient to keep the men there, and they returned to Coolgardie. The next rush was to "Mount Youle," supposed to be the present Mount Gledden, some fifty miles to the north-east. About a hundred men hurried off to the site, but most of them returned without reaching it, owing to a growing conviction that the rush had been instigated by the storekeepers in the interests of business. No sooner had they reached Coolgardie than they were off again to Lake Lefroy, some forty miles to the south-east, where good discoveries were said to have been made. In fact, so intense was the excitement that within a few hours of a rumour that gold had been found somewhere, a party of diggers set out to test it.

From the rush to Mount Youle, shrewdly suspected to be a hoax, arose the second rush on the Yilgarn field, and the most important gold-bearing area hitherto discovered in Western Australia--Hannans--later to be known to all the world as Kalgoorlie. Its discovery, like that of most rich goldfields, was in a measure accidental. Messrs. Hannan and Flannigan were two members of a small party on the way to Mount Youle. Through want of water the party camped at Mount Charlotte for a couple of days while the teams returned to Coolgardie for a fresh supply. Rain falling in the meantime the party pushed on, leaving Flannigan and Hannan behind. Flannigan, it appears, while looking for the horses found a couple of nuggets, and induced Hannan to remain with him. In a few days they had over 100 ounces. Hannan then returned to Coolgardie, and on 17 June--a Saturday--applied for a reward claim. According to usage the application was posted up outside the Registrar's Office about nine o'clock that evening, and of course was soon public property. As Coolgardie had drawn practically all Southern Cross, so Hannans drew all Coolgardie, until the place was almost deserted. Saturday night and Sunday they moved out, and before the middle of the week over 750 men were busy fossicking round Hannan's find. At first there were no sensational reefs discovered such as Bayley's; all the gold was alluvial, and there was sufficient of it to occupy attention. But while many of the miners were successful, there were numbers who did not make a bare existence, and in a few weeks returned to their former occupations at Coolgardie. Many were the instances of distress on the goldfields in those early days. Hundreds of men arrived with poor outfits, few provisions, and no money. Unless they found gold--or charity, and charity was often the more easily found--starvation stared them in the face. Disease was rampant, and Hannans, like Coolgardie, took its toll in human life.

The neighbourhood of the present town of Bardoc, where two prospectors, Cashman and Lee, secured 1000 ounces in a few weeks, was the next scene of excitement, and

then followed the unfortunate Siberian rush. In October Messrs. Frost and Bonner applied for a reward claim in a desolate district named Siberia, supposed to be about seventy-five miles north-west of Coolgardie. They showed about 40 ounces of gold they had secured from there, and somehow a rumour gained ground both at Coolgardie and Hannans that a fabulously rich find had been made. Quickly over a thousand men were hastening through the waterless tract toward the place. Only those who had been through to the Ninety-Mile had any idea of its direction; the others trusted to chance. Few carried more than a water-bag, and there was no water on the way. Disaster naturally followed. A few got through only to be disappointed, many wisely turned back; but some, attacked by thirst, and with no knowledge of the way, wandered into the bush and were lost. Only the dispatch of relief parties saved numbers of others.

News that all was not well with the parties on the way to Siberia reached Coolgardie a few days after they had set out, and Mr. Renou, the engineer in charge of the Government water supply, immediately sent teams loaded with water along the road with instructions to deposit the tanks at known stages, and then use every means not only to let the prospectors know where water could be secured, but to induce them to return, as the district they were making for was absolutely destitute of fresh water. This prompt action saved many lives, but even as it was several deaths occurred. At least ten were accounted for, and in all probability the bones of others still lie bleaching on the plain.

This was the last sensation of 1893. By the end of the year work was steadily progressing throughout the various districts, the total output of gold being valued at 421,385 pounds,\* of which Yilgarn and its branches accounted for 287,829 pounds. Dundas was proclaimed a separate goldfield in August, but its output for the year was only valued at 562 pounds. Had it not been for the scarcity of water, the results from the Yilgarn area would probably have been larger, as many more men would have been attracted to the field. The water difficulty undoubtedly retarded the early development of the district, a fact which the Government was not slow to recognise, as may be seen by the money spent in the erection of dams and soaks to conserve whatever rain might happen to fall.

(\*Footnote. Statistical Summary Appendix 4.)

To some extent the discovery of Coolgardie acted adversely upon the other fields, as many of the miners left in the hope that on the Yilgarn field they might be able to share in some of the sensational finds. The returns from the Murchison, Pilbara, Kimberley, and Ashburton districts were all smaller than in the previous year, but in some places, particularly on the Murchison, reef-mining was being undertaken as a serious industry. Machinery was imported and batteries were erected. Shafts were sunk and reefs thoroughly tested, and at the end of the year the field showed much more evidence of permanence than Coolgardie. To encourage sinking, and so definitely gauge the possibilities, the Government at the beginning of 1893\* offered a bonus to those who would sink shafts to a greater depth than 100 feet--2 pounds 10 shillings per foot between 200 and 300 feet. In all, eleven persons claimed the reward--six at Yilgarn, one at Coolgardie, and four on the Murchison.

(\*Footnote. Western Australian Government Gazette 1893 page 18.)

The developments during 1894 far exceeded those of 1893. The returns mounted from 110,890 ounces to 207,131 ounces, nearly double; and where the population increased by 6390 in the former year, the additions numbered 17,008 in the latter.\* Railways were opened to Southern Cross from Northam and to Mullewa from Geraldton. Machinery was erected on many of the mines, and not less than a hundred companies with a nominal capital of nearly 9 million pounds registered in London to work them, while in the colony itself something like seventy were formed. A separate Mines Department was established at the end of the year, so that the whole industry might be under proper supervision and control.

(\*Footnote. Statistical Summary Appendix 4.)

As soon as the summer of 1893/4 was over, the stream of immigration to the goldfields again started. Prospecting was actively carried on, and all through the year there were constant reports of more or less sensational finds throughout the whole Eastern district goldfields. Hall and Speakman discovered Mount Jackson, to the north of Southern Cross; rich alluvial was found at the Pinnacles, north-east of Coolgardie, in February, and in a short time over 1000 ounces secured, while a similar amount followed from another find at Billy Billy. Discoveries at Bardoc, Kurnalpi, Bulong, White Feather (Kanowna) Broad Arrow, and other places were reported in quick succession; in fact, finds innumerable over the whole field were reported during the year.

The great sensations of 1894 were, however, the discovery of the Londonderry and Wealth of Nations mines and the district of Menzies. The Londonderry find was made in June by a prospecting party consisting of Messrs. Carter, Dawson, Mills, Gardiner, Elliot and Huxley, who had been out many months without finding a colour, and were on their way back to Coolgardie. Quite by accident, rich quartz was picked up by two of the party, and after a brief search the outcrop of a reef was exposed, from which during the first three or four days they took between 4000 and 5000 ounces. One specimen, "Big Ben," was estimated to contain gold to the value of 3500 pounds. After working in secret as long as was safe, some of the party remained on guard while the others returned to Coolgardie, and after lodging 4280 ounces at the Union Bank applied to the Registrar for a lease of the Londonderry mine. There was tremendous excitement, especially when further work on the mine seemed to prove its fabulous wealth. In September the discoverers sold the mine to Lord Fingall for 180,000 pounds and a sixth interest. Unfortunately the subsequent development of it did not realise the expectations formed. Having been floated for 700,000 pounds, the company had difficulty at the start owing to the mine being jumped through failing to comply with the regulations. When this was overcome and work actually started, the rich stone cut out very quickly and left ore of only very inferior grade.

The Londonderry sensation was eclipsed a couple of months later by the discovery of what the newspapers described as a "mountain of gold." The lucky finder was a prospector named J.G. Dunn, who had been on prospecting tours throughout most of the goldfields since 1890. After making several discoveries of more or less importance, some of which he disposed of for a substantial figure, Dunn, who was acting on behalf of a Western Australian syndicate, left Coolgardie with two Afghans on another trip. After going about twenty-eight miles he came upon a large outcropping reef, from which on breaking the cap he extracted a specimen of quartz

weighing 189 pounds and containing 800 ounces of gold. The whole lode glistened with the precious metal, and to it he gave the name "Wealth of Nations." In a very few days he secured over 20,000 pounds worth, and leaving the Afghans in charge returned to Coolgardie, where he lodged 11,200 pounds worth of gold in the bank and applied for a mining lease. Though he tried to keep his discovery secret, in a few hours there were over 500 men out on the track looking for the locality. After they found it, the whole neighbourhood was quickly pegged out, and only police protection saved Dunn's find from being raided. Within six months the Wealth of Nations reef was sold for 147,000 pounds; but, as in the case of so many apparently rich reefs, further development failed to bear out expectations.

The third remarkable discovery was made by Messrs. Menzies and McDonald, experienced man who left Perth after the excitement raised by the Wealth of Nations and pushed out northerly from Coolgardie through White Feather, Black Flag, and the Ninety-Mile to a spot several miles farther on. There they discovered a reef of considerable promise and pegged out two claims--the Lady Shenton and the Florence. On applying for the leases at Coolgardie the usual rush to the locality took place, and still another mining camp, now known as the town of Menzies, sprang into existence.

Apart from the mining discoveries, though certainly in consequence of them, the development of the colony during 1894 was very pronounced. The Northam to Southern Cross Railway, the construction of which was approved in 1891, was opened to traffic in July 1894. The wisdom of building it was doubted by many, and if it had had to depend on the Yilgarn field alone for revenue their fears would probably have been justified; but with that good fortune which often attends bold spirits, the Premier had the satisfaction of knowing before it was opened that the discovery of Coolgardie practically ensured its success. In fact, no sooner was the line finished than approval was given for its construction to Coolgardie, and a Loan Bill for 1.5 million pounds passed to provide the money for that and other works.

By this time Coolgardie and Kalgoorlie had not only become the centres of promising mining districts, but were fairly large and more or less settled towns. The old Yilgarn field was split up into four mining centres--Yilgarn, Dundas, Coolgardie, and East Coolgardie (with headquarters at Kalgoorlie). Coolgardie was proclaimed a municipality in July,\* Mr. J. Shaw being the first Mayor; and Kalgoorlie followed suit in May 1895\*\* (Mr. John Wilson, Mayor). On the Murchison field the Geraldton to Mullewa line was completed in November and an extension to Cue approved and commenced in March 1895.

(\*Footnote. Western Australian Government Gazette 1894 page 629.)

(\*\*Footnote. Ibid 1895 page 259.)

From 1894 mining in Western Australia has been remarkable, not so much for new discoveries of a sensational character as for steady development. It has been removed from the speculative phase, and become an industry of great proportions and permanent value to the State. Like all countries where gold has been discovered, the colony had its period of "booming," which started in 1894 and continued with increasing force throughout 1895 and 1896. Almost anything Western Australian to which the name of gold mine was applied, or which was situated in any of the mining areas, was sure of easy flotation into a company either in London or in the eastern

colonies. The result was that during those years capital to the extent, it is said, of nearly 50 million pounds was subscribed--and much of it was lost. Mines of admittedly "wild-cat" species were easily floated as genuine if they had the name of Western Australia attached to them and were supported by the certificate of some self-styled expert. The money subscribed rarely reached the colony; it usually drifted into the pockets of the promoters. That good mines existed--and still exist--has since been proved; that Western Australia is one of the richest gold-bearing countries in the world may be seen from the returns; but the possibilities of a mine often did not enter into a promoter's calculations, except on the prospectus--he looked not to the mine, but to the shareholders, for his gold. Such a state of things inevitably brought reaction--reaction from which the colony has since suffered severely; but in those "wild and woolly" days, when loan money could be had for the asking and English capital was simply thrown into the colony, no one stopped to think of the evil days that must surely come. One good result the boom did have--it advertised the colony more widely and more effectively than anything else could have done.

Many of the mines were not over-capitalised, and some of those that were have risen above their difficulties. These have all become good dividend-paying concerns and have proved to the world that notwithstanding the machinations of unscrupulous promoters, the gold existed in quantities more than sufficient to pay for reasonable and safe expenditure in the way of capital.

How greatly the colony gained in population through the advertisement of the boom may be seen from the fact that where the population in 1894 was 82,014, in 1897 it had reached 161,694.\* These came from all parts of the world, though naturally most of them were emigrants from the other colonies of Australia. Their value could not be estimated by numbers alone; the greater proportion was composed of men for the most part in early manhood or the prime of life, and possessed either of capital or of that ability and energy which every country desires to see within its borders. Their advent gave Western Australia an asset greater even than gold.

(\*Footnote. Statistical Summary Appendix 4.)

Apart from the general development that was taking place and the wild excitement to secure a piece of mining scrip, the principal event in the mining world of 1895 was the passing of a new Goldfields Act.\* The old Act of 1886 had required constant amendment to keep the law abreast of the industry, and many of its provisions, by change of circumstances, had become inoperative. The new Act, which was based on the Mining Acts of the other colonies so far as they could be made to apply, provided that complete records of all dealings should be kept by each District Registrar, and that all transfers, leases, and other dealings with mines would be registered at the Mines Department in Perth. As this meant that no transaction could be operative until it had been registered in Perth, it created a good deal of dissatisfaction, and was the cause of considerable agitation during 1895 and 1896, mainly, apparently, because it meant that all transactions must leave the goldfields to be finally dealt with. The provisions of the Act were those usual in large mining communities, and showed that the Government, even though accused of animosity toward the fields, was doing all that was possible to place the mining industry on a satisfactory footing.

(\*Footnote. 59 Victoria Number 40.)

The year 1896 opened with brilliant promise. The excitement of the boom was practically at its height, and the effects were seen as the year progressed by the enormous number of arrivals from other parts. Not alone was State business congested; the same was true in large measure of private affairs. Perth, Fremantle, Kalgoorlie, Coolgardie, and Menzies were crowded with people, hundreds of whom were unable to find better accommodation than the merest shakedown. Houses and business premises sprang up almost like magic in and around Perth and Fremantle, and the capital, which in 1891 appeared little better than a thriving village, became a rapidly-growing city, alive with every description of business interest and the focus of ventures of worldwide importance and magnitude. Fremantle became the busiest of ports, and at Coolgardie and Kalgoorlie were laid the foundations of modern towns on the most up-to-date lines. As regards the mining developments, the year was eminently satisfactory. New finds were continually coming to light, and closer attention to the known mineral localities was increasing the amount of gold recovered by leaps and bounds. Two new goldfields--West Pilbara and North-East Coolgardie--were proclaimed, and machinery to the value of 364,706 pounds was imported. Some excitement was caused by the discovery of a reef at Dandalup, on the South-West railway line, in the Darling Ranges. As this was within fifty miles of Perth everyone was anxious for its success, but further testing proved it to be a failure.

By the close of the year it was evident that the boom had run its course, and that outside capital had turned its attention elsewhere. From then mining became in Western Australia a serious industry, destined to yield great results, but probably never again to be the scene of such wildly exciting times. The newness had worn off and the people had become accustomed to its presence, so that from a historical point of view its interest, except so far as it contributed to the general welfare of the colony, had gone. Incidents more or less exciting occasionally arose, but they were the exception. One such occurred in 1898 over differences that arose under the Goldfields Act 1895 and its regulations. Early in January a dispute occurred between the alluvial miners at Kalgoorlie and the manager of the Ivanhoe Venture Gold Mine which led to a serious disturbance, the unrest extending to other places on the goldfields. The Goldfields Act of 1895, under Section 36, gave the alluvial miners the right to search for alluvial gold on leases, with certain restrictions. The principal question in dispute was whether or not there was a reef on the lease of the Ivanhoe Venture Syndicate. The leaseholders considered it a great hardship that the Act confirmed the existence of dual titles, those of the leaseholders and those of the claim-holders. The alluvial miners, on the other hand, held that they had a moral and legal right to the alluvial gold, at whatever depth it was found. Before a decision on the case was given in the Warden's Court, the Government passed a regulation limiting the depth to which alluvial could be worked to ten feet. The diggers were much incensed at this regulation, which they called "the 10-foot drop," and they applied the sobriquet of "Ten-foot Ned" to the Minister for Mines. As regards the question of the reef, the Government geologist reported that there was as yet no proof of its existence. The Warden's decision in the case went against the alluvial miners. The latter, however, paid no heed to this decision and continued to enter on the lease. Relations between the syndicate and the miners then became so strained that several of the latter were eventually imprisoned.\* On 24 March Sir John Forrest visited Kalgoorlie to meet the delegates of the alluvial miners and hear their grievances; but on his declining to address the crowd which had gathered outside the hotel where the conference took place, some of the more excitable spirits became unruly, and on his way to the station



the Premier was somewhat roughly hustled.\*\* After much further friction the Ivanhoe Venture Syndicate agreed to take a test case into the Supreme Court. The trial took place in August, and the decision of the court was in favour of the alluvial miners. A petition was then forwarded to the Government by the various mining companies asking for the abolition of the dual title.\*\*\* In consequence of this a Select Committee was appointed, which came to the conclusion that the dual title undoubtedly inflicted a great hardship on the leaseholder.\*\*\*\* A Royal Commission on Mining, appointed in August 1897, which reported in May 1898, had already expressed a similar view.\*\*\*\*\* A new Mining Act\*\*\*\*\* was consequently passed, Sections 10 and 11 of which defined the relations between leaseholders and claim-holders in a manner calculated to avoid a conflict between their respective interests.

(\*Footnote. See files of West Australian and Kalgoorlie Miner January and February 1898.)

(\*\*Footnote. Ibid 25 and 26 March 1898.)

(\*\*\*Footnote. Western Australian Votes and Proceedings 1898 volume 2 Paper A12.)

(\*\*\*\*Footnote. Ibid Paper A13.)

(\*\*\*\*\*Footnote. Royal Commission on Mining Report pages 6 to 7 in Western Australian Votes and Proceedings 1898 Paper Number 26.)

(\*\*\*\*\*Footnote. 62 Victoria Number 16.)

This was the most serious case of resistance to constituted authority witnessed on the goldfields. All the elements for a conflagration were present, and only the exhibition of common sense and the attention to wise counsels on both sides prevented the occurrence of a second Eureka.

Another sensation was provided toward the end of the same year by the discovery on the part of Messrs. Bourke and Hunter of alluvial gold at Donnybrook, about 143 miles south of Fremantle. Small returns, both of alluvial and quartz gold, were secured, and some attention was attracted to the place. Subsequent examination, however, proved that as a gold-bearing district Donnybrook was scarcely worth consideration.

The outstanding feature of interest in local mining since 1895 has been, and still is, the wonderful richness of that small belt of country lying between Kalgoorlie and the Boulder, known as the Golden Mile, from which gold has been taken in millions of ounces, and which still remains as the principal gold-producing area in the State. In it are contained the Associated, Brown Hill, Great Boulder, Golden Horseshoe, Perseverance, Ivanhoe, and other mines, all of which, though some are now on the wane, have contributed handsomely to the yearly gold returns of Western Australia.

The growth of the industry from its inception in 1886 to the close of 1900 may be seen from the following table, figures giving, perhaps, the best indication of what the discovery of gold has meant to the colony:\*

COLUMN 1: YEAR.

COLUMN 2: FINE OUNCES.

COLUMN 3: VALUE IN POUNDS STERLING.

COLUMN 4: DIVIDENDS IN POUNDS STERLING.

1886 : 270 : 1148 : -.  
1887 : 4359 : 18,517 : -.  
1888 : 3125 : 13,273 : -.  
1889 : 13,860 : 58,874 : -.  
1890 : 20,402 : 86,663 : 1250.  
1891 : 27,116 : 115,182 : 5326.  
1892 : 53,271 : 226,282 : 1875.  
1893 : 99,203 : 421,386 : 34,350.  
1894 : 185,298 : 787,098 : 110,642.  
1895 : 207,111 : 879,749 : 82,183.  
1896 : 251,618 : 1,068,807 : 168,216.  
1897 : 603,847 : 2,564,977 : 507,732.  
1898 : 939,490 : 3,990,699 : 605,949.  
1899 : 1,470,605 : 6,246,733 : 2,066,015.  
1900 : 1,414,311 : 6,007,610 : 1,396,089.

(\*Footnote. Western Australian Year Book 1902 to 1904 pages 949 and 965.)

Two of the problems which faced the Government during these years were the provision of proper transport facilities and the installation of an adequate water supply. We have seen that no sooner was the railway completed to Southern Cross than arrangements were made to continue it to Coolgardie. The first section of this line--to Boorabbin--was opened on 1 July 1896, and before it reached Coolgardie its continuation to Kalgoorlie was approved. By the beginning of 1897 it was possible to reach the latter centre by rail. But the convenience did not stop there; less than two years later the train steamed into Menzies, and by 1903 one could get as far as Leonora. At the same time, extensions were being pushed forward on the Murchison field, Cue was joined to the railway system in 1898, and Nannine became a railway terminus in 1903. Since then further extensions have been made, all with the one aim--to join the Murchison and eastern goldfields systems together, and so provide a complete loop serving all the principal mining centres.

Adequate water supply, even as it was more pressing, was also more difficult of achievement than railway communication, and in the long run involved even greater expense. The absence of water was the one great drawback to development. The extreme heat of the summer and the want of proper water supply to mitigate both its discomforts and its dangers made it imperative that during the worst of the season exemption from working conditions should be allowed to the mines in order to give the miners a chance to recuperate. The Government was naturally blamed for not taking sufficient steps to cope with the difficulty, and in some measure this blame was, in the early days, rightly placed. In 1893 less than 15,000 pounds was spent on water supply, and this out of loan money. The amount seemed to the miners far too small, but they ought to have remembered that colonial funds were not inexhaustible, and considerable expenditure was being incurred in the construction of railways to serve the goldfields. As it was, two tanks capable of together holding a million

gallons, as well as smaller ones, were excavated at Coolgardie. Others were built along the Ninety-Mile Road, and the soaks on Hunt's old track were improved. Boring also was undertaken at Mount Burgess and Hannans in the hope of striking artesian water. By the end of 1895 there were tanks and dams scattered over the eastern goldfields with an aggregate capacity of over 13.5 million gallons, upon the construction of which 37,769 pounds had been spent.\* But the supply was very far short of the demand, and the fear of a water famine was continually present. By this time the fields had become more stable, and places like Coolgardie, Kalgoorlie, and other centres had become towns with some degree of permanency, and with organised bodies and institutions to express their needs. The question of sufficient water was one of the most imperative of those needs, and as time passed without any definite steps being taken by the Government, their method of asking became a demand rather than a request. When the Premier visited the fields in November 1895\*\* the matter was placed before him in the strongest terms. In his reply Sir John Forrest, after admitting the disabilities under which the fields laboured, pointed out the extreme difficulty of the situation. Before the idea of bringing permanent water to the mines could be considered, the Government must be satisfied that no artesian supply could be secured, and that it was not possible to provide sufficient by the use of catchment dams. If, however, both these means failed, then the Government would be prepared to bring ample water from the coast.

(\*Footnote. Report of the Public Works Department Votes and Proceedings 1896 volume 2 Paper 25.)

(\*\*Footnote. Kalgoorlie Miner 23 November 1895.)

It quickly became apparent that the difficulty could not be solved either by boring or by conservation. Early in 1896 a water famine took place at Woolgangie, the camp of those engaged on the railway construction, and water had to be conveyed by train from Northam, as in Coolgardie the condensing plants were working at the highest pressure without being able to meet the necessities of the town itself. The dams and tanks were dry, and boring had been found to be without result. Convinced that something of a comprehensive nature must be carried out, the Engineer-in-Chief, Mr. C.Y. O'Connor, to whose genius, energy, and boldness the colony owes so much, brought forward a scheme\* for carrying water to the goldfields from the coast. Shortly, his suggestion was to build a huge reservoir on the Helena River near Mundaring, in the Darling Ranges, and to convey from there to Coolgardie by means of 330 miles of cast-iron pipes something like 5 million gallons of water daily. The estimated cost, including the necessary pumping stations, pipe tracks, and receiving reservoir at Mount Burgess, outside Coolgardie, was 2.5 million pounds. The magnitude of this scheme, perhaps the largest and most daring of its kind hitherto attempted in the world, created the greatest astonishment, particularly throughout the goldfields. Doubts were expressed as to the feasibility of the idea, but these were set at rest when it was found that other authorities quite agreed with Mr. O'Connor that it was entirely practicable and could be successfully carried out.\*\* The only question was whether the colony would be justified in incurring the enormous expense involved--whether, in fact, the permanence of the goldfields was certain. At this stage the advantage to Western Australia of having a bold and optimistic Premier was seen. When Parliament met in July the scheme was given a prominent place in the Government programme, and before the session closed an Act\*\*\* was passed authorising a loan of 2.5 million pounds to meet the expense. The actual work of

construction was not, however, proceeded with until early in 1898, the intervening time being spent in securing from English and other experts further confirmation of the soundness of the scheme from an engineering point of view, and of the practical results that would be ensured.\*\*\*\* Once started, it was pushed on with expedition, and in January 1903 the first water from Mundaring Weir reached Coolgardie and Kalgoorlie. The water area within which the scheme operates is not wholly confined to the eastern goldfields, but extends from Guildford to Kanowna, serving both the goldfields and agricultural districts through which the pipes pass. The Goldfields Water Supply, as it is now termed, has thus completely surmounted the water difficulty over a very large portion of the dry area of inland Western Australia. Unfortunately, the engineer whose brain conceived the project did not live to see its fulfilment. The work, however, stands, a monument to his genius, and also an evidence of the wisdom and foresight of the Premier who for so many years was the benevolent despot of Western Australia--Sir John Forrest.

(\*Footnote. Western Australian Votes and Proceedings 1896 volume 1 Paper Number 10.)

(\*\*Footnote. Western Australian Parliamentary Debates new series volume 9 pages 225 to 226.)

(\*\*\*Footnote. 60 Victoria Number 12.)

(\*\*\*\*Footnote. Western Australian Votes and Proceedings 1898 volume 1 Paper Number 21.)

But notwithstanding the power and influence of Sir John Forrest, the position of the Government during the years following 1894 was by no means an enviable one. As a result of the discovery of the Coolgardie and Kalgoorlie goldfields, an unparalleled wave of prosperity swept over the colony, bringing with it greatly increased responsibilities and sometimes very trying difficulties. The abnormal inrush of people into a country so little prepared to receive them caused congestion in nearly every branch of State work, and the fact that many of the newcomers were from more progressive places, and easily irritated when matters were not entirely to their liking, made the position of the Government even more irksome. This spirit of irritation against and opposition to almost everything proposed by the Government was particularly manifest on the new goldfields, where the miners seem to have thought that they had lifted the colony from the slough of despond and were therefore entitled to dictate its policy. This opposition to the established order of things grew into a goldfields versus coast agitation, which has prevailed with varying intensity ever since, and on more than one occasion shown itself inimical to the best interests of the State. It must be admitted that this feeling was strengthened by the attitude of the Western Australians themselves, a section of whom regarded "t'othersiders" as rank outsiders, who ought to be sufficiently thankful for being allowed to remain within the western paradise. While nothing but praise can be bestowed upon those of the early days who strove to wrest Western Australia from wildness and make it a place fair to look upon, the colony's real development started only after the gold discoveries, and the settlers ought to have welcomed with open arms the men possessing the brain and sinew necessary to turn those discoveries to profitable account. A better commingling of the two elements in those early goldfields days would have saved the colony from many difficulties.

The Government met with its first check during the session of 1895, when the Leader of the Opposition, Mr. George Leake, though with but a small following behind him, moved a want of confidence vote in the Ministry over the education question.\* It was never put to the vote,\*\* as Sir John Forrest, after a somewhat warm debate, agreed to deal with the matter; but it had more than a little effect, as before the end of the year an Education Act\*\*\* on modern lines was passed and the old system of ecclesiastical grants for educational purposes abolished.

(\*Footnote. Western Australian Parliamentary Debates new series volume 8 page 395.)

(\*\*Footnote. Ibid page 420.)

(\*\*\*Footnote. 59 Victoria Number 27.)

The spirit of opposition on the part of the goldfields became crystallised over the Budget proposals of 1895. The revenue for the year ending 30 June had been 1,125,940 pounds or 252,290 pounds in excess of the estimate,\* a condition of things which the miners, perhaps rightly, attributed to their presence in the country. They were consequently dissatisfied when the proposals for 1895/6 were not so liberal toward the goldfields as they expected. A Goldfields National League was formed with the object of redressing their grievances, which went farther than the question of expenditure, and embraced the administration of some of the Government departments, as well as strong criticism of the mining laws.\*\*

(\*Footnote. Western Australian Parliamentary Debates new series volume 8 page 554.)

(\*\*Footnote. Kalgoorlie Miner 4 November 1895.)

Criticism of departmental administration was not confined to the goldfields. The whole community was suffering from the ineptitude displayed, and dissatisfaction was widespread. There was not a Government department which had to do with communication, transport, or mercantile affairs generally that was not overwhelmed by the rush of business.

So great was the expansion, due to mining and other transactions, that the Telegraph Department found itself faced with an accumulation of messages far beyond its power to cope with. As delay oftentimes meant serious loss in mining transactions, many of which depended for their success on quick communication with London or the eastern capitals, public and Press accusations of incompetency on the part of the administrative officers were common on the goldfields, and not unknown in Perth and Fremantle. To add to the disorder, the lines between Eucla and Albany, and between Coolgardie and Perth, occasionally failed, and it sometimes happened that telegrams had to be forwarded to the capital by rail! To cope with the difficulty, Parliament approved the construction of a new line from Coolgardie via Dundas to Eucla.\* This was not completed till late in 1896;\*\* meanwhile the congestion in the telegraph office became intensified, and the trouble spread to the post office, delays in the delivery of correspondence becoming almost as irritating as the department's inability to handle telegrams. The authorities did all that was possible in the way of increasing the staffs in both departments, but with little result, as the buildings became overcrowded and confusion worse confounded.

(\*Footnote. Western Australian Parliamentary Debates new series volume 8 page 356.)

(\*\*Footnote. Ibid volume 9 page 860.)

To make matters worse, the Railway and Customs Departments reached the same chaotic state, so that every department engaged in transmitting communications or handling merchandise was involved. In the Railway Department the shortage of rolling-stock was the principal reason; in the Customs the absence of available space to facilitate the handling of goods. The whole difficulty, from whatever point it is viewed, resolves itself into the one fact--that the colony did not possess facilities for dealing with a large and sudden inrush of population which was totally unexpected. To reasonable people this would have been a good excuse, especially as the Government was sparing neither energy nor money to meet the requirements; but the newcomers to Western Australia in those days, thirsting to secure the riches it had been proved to possess, were far from reasonable, and looked upon the authorities not as the servants of the people, but as the slaves of the goldfields. That it seemed impossible to cope with the telegraphic, postal, railway, and customs business in those days must be admitted, but it is only fair to add that the want of consideration shown to the Government did not help to smooth away the difficulties.\*

(\*Footnote. See speeches on Address in Reply 1896 Western Australian Parliamentary Debates new series volume 9 pages 44 et seq.)

In answer to the protests the Minister of Mines (Mr. E.H. Wittenoom) admitted\* that the post and telegraph offices on the fields were far too small for the work they had to do, but pointed out that the Public Works Department was rapidly pushing on with the erection of new ones. In regard to the other questions raised, it was deemed politic that Ministers should visit the whole district, and in November, Sir John Forrest travelled over the eastern and Mr. Wittenoom the Murchison fields. With "the soft answer that turneth away wrath" both Ministers succeeded for the time in considerably allaying the irritation, Sir John going so far as to foreshadow the bringing of ample water from the coast and an increase in the number of goldfields' representatives in Parliament. The promise of water was, as we have seen, fully redeemed, and in the session of 1896 the question of increasing the goldfields' representation in Parliament was also discussed.

(\*Footnote. Ibid 24 October 1895.)

But before that arrived, the congestion, particularly in the Railway Department, had grown more acute, and loud murmurs of dissatisfaction arose from the merchants of Perth and Fremantle, who complained that traffic was utterly disorganised. The Morning Herald, a new metropolitan daily, attacked the authorities strongly, and even the West Australian made dignified though guarded complaints.\* A public meeting held in Perth in February 1896,\*\* and addressed by influential men, severely criticised the railway, telegraph, and postal administrations, and vaguely blamed the Premier for the railway trouble on the ground that he had cut down the departmental estimates for rolling-stock. Resenting the imputation, Sir John Forrest forcibly replied to his detractors, and pointed out that rolling-stock was then on order to the value of 300,000 pounds more than had been authorised by Parliament.\*\*\* The Commissioner of Railways (Mr. Venn) took exception to some of the Premier's statements, as he

considered they reflected upon his administration, and in a letter to Sir John complained that the latter had not shown that esprit de corps usual between members of a Government. He contended that when assailed in the Press he (Mr. Venn) had defended the Government at the expense of himself as Commissioner of Railways, when the real facts were that the whole trouble could have been averted if the Premier had not refused to place his request for 330,000 pounds worth of rolling-stock on the loan estimates for 1894, even though urged to do so by the Engineer-in-Chief.\*\*\*\*

(\*Footnote. See files of West Australian and Morning Herald January and February 1896.)

(\*\*Footnote. West Australian 26 February and Morning Herald 26 February 1896.)

(\*\*\*Footnote. West Australian 28 February 1896.)

(\*\*\*\*Footnote. West Australian and Morning Herald 29 February 1896.)

Unfortunately, Mr. Venn, in his haste to clear himself, handed a copy of this letter to the Press for publication. This action reduced the whole question to the level of a personal quarrel between Sir John Forrest and Mr. Venn. The Premier thanked the Commissioner for his past services, regretted that he should have to sever his connection with the Government, and requested his resignation. This Mr. Venn declined to give, as he wished to justify himself to the Cabinet from the departmental files. Sir John then asked a second time, pointing out that to refuse was unconstitutional; but Mr. Venn held to his first decision. The Premier then telegraphed to the effect that the Cabinet was unanimous in requiring the resignation, to which the Commissioner tersely replied, "Death rather than dishonour." The next step was taken on 9 March, when the Premier informed his colleague that unless he received a reply--in other words, a resignation--by 9 o'clock that night he would feel at liberty to take whatever steps he might deem necessary. Unfortunately, Mr. Venn did not receive this note until after the time mentioned, but he immediately informed Sir John that he would make a statement next morning. Sir John, however, when no answer came by 9 o'clock, showed a little of Mr. Venn's precipitation, and made certain statements to the Press which rendered further negotiation impossible. The same night, therefore, he transmitted a memo to Mr. Venn to the effect that the Governor had dismissed him from office and from membership of the Executive Council. His Excellency, said Sir John, regretted that such a course was necessary, but considered that Mr. Venn had brought it about by his refusal to resign.

Mr. Venn, though dismissed, as it was phrased, "in his nightshirt,"\* had no other course than to accept the inevitable. He stated that it had been his intention to resign after making a statement to the Cabinet. The point was raised and warmly debated as to whether the Premier had acted constitutionally. Of this, however, there can be scarcely any doubt; but his wisdom in taking such an extreme course may be questioned.\*\*

(\*Footnote. Phrase used by Coolgardie Pioneer; see Western Australian Parliamentary Debates new series volume 9 page 49.)

(\*\*Footnote. The whole correspondence was published in the West Australian and Morning Herald under dates 10 and 11 March 1896.)

The vacant portfolio was by no means sought after, but eventually Mr. F.H. Piesse was induced to accept it. For some time he was unable to effect any improvement in the department, but matters improved as additional rolling-stock came to hand, and by the end of the year the trouble was fully overcome. The same result was achieved by the Post and Telegraph Department through the erection of new lines, providing additional accommodation, and a better organised staff.

The increased Parliamentary representation demanded by the goldfields was, as mentioned above, granted in 1896.\* A new province--the North-East--was constituted, thus adding three additional members to the Legislative Council. At the same time the number of the Assembly was increased to forty-five by the establishment of new electorates, the majority of which were on the goldfields. The number of Cabinet Ministers was also increased to six.

(\*Footnote. 60 Victoria Number 18.)

This amendment to the Constitution necessitated a general election, which was held in May 1897, the results of which, contrary to expectations, showed that not all the new mining constituencies were opposed to the policy of the Government. The addition of a new member to the Cabinet combined with the retirement of others brought about the reconstruction of the Ministry, so that by the end of the year the Premier found himself the sole survivor of the original Ministry appointed at the introduction of responsible government.

The year 1897 was not a year of prolific legislation. Apart from the break caused by the elections, there were two Federal Conventions held--one in Adelaide and one in Sydney--at each of which the Premier and nine other delegates were present; and Sir John was also absent from the colony during the middle of the year, in order to represent Western Australia at the diamond Jubilee Celebrations of Her Majesty Queen Victoria in London. These interruptions made a long session impossible; consequently two short sessions were held, the first of which did little more than pass supplies, while the second occupied itself in passing resolutions to indicate a future course of action. Payment of members was approved as a principle,\* and in face of a no-confidence motion proposed by Mr. Leake,\*\* the Premier promised to revise the duties so far as they affected foodstuffs,\*\*\* though it must be admitted that in doing so he had nothing to fear from a division on Mr. Leake's motion.

(\*Footnote. Western Australian Parliamentary Debates new series volume 11 page 589.)

(\*\*Footnote. Ibid page 49.)

(\*\*\*Footnote. Ibid pages 75 and 127.)

Before the Government met Parliament in 1898 a further rearrangement of Ministerial offices had taken place, owing to Mr. Wittenoom having accepted the Agent-Generalship. Mr. H.B. Lefroy became Minister of Mines, and Mr. George Randell Colonial Secretary. When Parliament opened, a veridical and extensive programme was submitted in the Governor's speech, but the session closed without much of it finding a place on the Statute Book. In fact, an unkind critic might with justice assert that the session lasted longer and produced less result than any held since Parliament had been



constituted. The Norseman and Leonora Railway Bill and the Perth Deep Drainage Bill were both shelved till a more convenient season; the Education and Mining Bills were withdrawn; the Railway, Patents, Public Works, Trade Unions, and Electoral Bills were never even heard of. The principal measures that were passed were the Tariff Amendment (promised the previous session) Early Closing, Health, and Lands Acts, this last designed to promote agricultural settlement along those lines which had always been advocated by Sir John Forrest. Politically, the most important Act was the amendment of the very ill-advised mining regulation (Number 103) which had been the cause of the Kalgoorlie riot of 1898, already referred to. As usual in such cases, a compromise was effected. The alluvial miner was allowed in the first place to make his search, and then had to give way to the reef miner.\*

(\*Footnote. See ante.)

Up to this time the introduction of foreign mining capital, the ease with which loan money could be secured, and an overflowing Treasury chest had lulled the Government into a sense of financial security, and there was scarcely that control over expenditure that was needed. With the reaction that followed the boom period, however, it became evident that closer supervision was necessary. The first note of this was sounded when the accounts of the colony for the year ending 30 June 1898 were published. The revenue, though large (2,754,747 pounds) was 253,253 pounds below the estimate, while the expenditure reached 3,256,912 pounds--an amount so far in excess of the receipts that it not only absorbed the accrued surplus of 315,362 pounds but left a debit of 186,803 pounds.\* This called for rigorous retrenchment and the closest scrutiny of public expenditure, unpleasant at any time, but particularly so to a people accustomed to huge surpluses. The drift, however, continued throughout the following year, the transactions of which showed a loss of over 60,000 pounds,\*\* and was not stayed until 1900, when there was again a credit on the year's operations of 260,000 pounds. Matters arising out of administration and the prominence given to the question of federation absorbed the greater part of the Parliamentary session of 1899 and filled the pages of Hansard rather than the Statute Book, the list of measures being small in comparison with the length of the session. The most important was a further amendment of the Constitution\*\*\* increasing the number of the Legislative Council to thirty by the creation of two new provinces--the Metropolitan-Suburban and the South-East--and raising the membership of the Assembly to fifty by a redistribution of seats and a rearrangement of boundaries. At the same time the franchise was granted to women.

(\*Footnote. Western Australian Votes and Proceedings 1898 Paper Number 22 page 8.)

(\*\*Footnote. Statistical Summary Appendix 4.)

(\*\*\*Footnote. 63 Victoria Number 19.)

In fact, the activities of Parliament during these years were largely devoted to three matters--the authorisation of loan expenditure to provide increased facilities and better conditions, the extension of the Constitution to give representation to new communities, and, towards the end of the period, discussion as to the advisability or otherwise of Western Australia entering the proposed Australian federation. Apart from these, the most important questions dealt with were those concerning industrial disputes and a broader land policy. With regard to the former, an Industrial

Conciliation and Arbitration Act\* on the lines of the New Zealand measure was passed, which provided for the settlement of disputes first by a Conciliation Board and, if that failed, by an Arbitration Court consisting of a representative of each side presided over by a Supreme Court Judge. This Act was superseded by a more comprehensive measure passed in 1902. As generally happens with experimental legislation, the Act has not altogether fulfilled expectations, but, on the whole, has proved a successful innovation. In the matter of land legislation the Premier took advantage of the power which he had under responsible government to bring into practice many of the ideas which he had advocated during Crown colony days. Through all the period of feverish mining activity he never lost sight of the advantages that would accrue to the colony through a wise and progressive policy of land settlement. Gold he looked upon as an uncertain factor at any time, but agriculture was a permanent asset, and if undertaken with vigour a never-failing source of prosperity. The land regulations of 1887 offered certain inducements, but Sir John Forrest in 1893, with the Homesteads Act,\*\* went far beyond anything even suggested in the regulations. Under that Act any person being the head of a family or a male over eighteen years of age who did not own more than 100 acres of land might select within certain boundaries a free homestead farm of 160 acres, of which, provided he observed certain conditions as to improvements, he received the fee simple at the end of seven years. In order to assist those who settled on the land, an Agricultural Bank Act\*\*\* was passed in the following year. Under this Act persons improving their holdings may borrow on the value of the improvements, so as to extend the sphere of their operations. Convinced that even these concessions were not sufficient to ensure agricultural development on a large scale, the Parliament in 1898 passed a comprehensive Land Act\*\*\*\* consolidating and amending previous measures. By this Act land might be acquired under a conditional purchase system, upon terms that were so easy as to be within the reach of anyone prepared to take up selections and develop them. The advantages of the system had not had time to give any appreciable result before the end of 1900, but subsequent results have more than justified the policy of the then Premier, and have proved that on the land question, as on so many others, he showed a statesman's wisdom.

(\*Footnote. 64 Victoria Number 20.)

(\*\*Footnote. 57 Victoria Number 18.)

(\*\*Footnote. 58 Victoria Number 21.)

(\*\*\*Footnote. 62 Victoria Number 37.)

Economically, the ten years under review were those of the colony's greatest expansion, an expansion due almost entirely to the gold discoveries. Not alone did they prove that great wealth lay in the country, but they brought to it an enormous amount of foreign capital, and what was of infinitely greater value--the bone and sinew of other lands. Population grew apace, trade expanded, old industries opened out and new ones arose--in fact, from being a slow, backward, and practically unknown community in 1891, Western Australia in 1900 was known the world over as a country of immense wealth, of progressive ideas, and of almost boundless possibilities. The population had risen from 53,279 to 179,708; the revenue of the colony from 497,670 to 2,875,396 pounds and the expenditure from 435,623 to 2,615,675 pounds; the imports from 1,280,093 to 5,962,178 pounds and the exports from 799,466 to 6,852,054 pounds; and the area under crop from 64,210 to 201,338

acres. The principal item of export was of course gold, followed by timber, the value of which during the ten years rose from 89,176 to 458,641 pounds.\*

(\*Footnote. Statistical Summary Appendix 4.)

In the general development that was taking place through the altered conditions, attention was drawn to minerals other than gold which the colony was known to possess. Copper mining, which had languished owing to the cost of transport and the expense of producing the ore, was revived for a time until it was found that the same conditions as before continued to operate against its success. The tin fields at Greenbushes were also opened up, and at the end of 1900 had produced nearly 14,000 pounds worth of that metal.\* Coal measures which were known to exist in various parts of the colony were tested, more particularly at Collie, and as a result mines were established which up to the end of 1900 had produced 176,000\*\* tons of coal and are now producing at the rate of 320,000 tons a year.

(\*Footnote. Ibid.)

(\*\*Footnote. Western Australian Year Book 1902 to 1904 page 929.)

Further, the gold discoveries drew attention to the fact that there were still large stretches of country in Western Australia of which nothing whatever was known, and revived that spirit of exploration which had been so prominent a feature of the colony's early history. In 1891 at the expense of Sir Thomas Elder, a scientific expedition, under the leadership of Mr. David Lindsay, was sent out from Adelaide for the purpose of examining those portions of the interior lying between the tracks of Forrest, Gosse, Giles, and Warburton, while at the same time keeping a sharp lookout for traces of Leichhardt's party. Owing to prolonged drought it was impossible to carry out the original idea, and the course of the expedition was diverted to Fraser Range and thence through Southern Cross up to the Murchison. Being well equipped for scientific purposes, much was expected from the expedition, but owing to dissensions among the party the results were practically of no value.\*

(\*Footnote. Journal of Elder Exploring Expedition 1891 to 1892 Adelaide 1893 page 13.)

In 1896, L.A. Wells, who had been second in command of the Elder expedition, left Lake Way as the leader of the Calvert expedition to examine the country between the East Murchison and Fitzroy rivers.\* The object of the expedition was achieved, but during the course of their travels two members of it, sent out to examine new country, were lost in the bush and were afterwards found to have perished from thirst. The news that two of the party were missing led to a further expedition being sent out by the Government under W.F. Rudall, which, though unsuccessful in finding traces of the missing men, secured a great deal of additional information concerning the northern part of the colony.\*\*

(\*Footnote. Calvert, A.F. Exploration of Australia 1844 to 1896 London 1896 page 321; Western Australian Year Book 1902 to 1904 page 86.)

(\*\*Footnote. Western Australian Year Book 1902 to 1904 pages 86 to 87.)

A third party left Lake Darlot in 1896, under the leadership of the Honourable David Carnegie,\* and travelled in a north-eastern direction towards the South Australian border in the hope of discovering either gold-bearing areas or good pastoral country. Except several very isolated patches, no auriferous country was found, and Carnegie reported that the country could not be used for pastoral pursuits owing to the want of water.

(\*Footnote. Carnegie, D.W. Spinifex and Sand London 1896.)

The outbreak of the South African War in 1899 brought into existence a new phase of colonial development, and affected practically all the dependencies of the British Empire. The reverses suffered by the British arms in the earliest stages of that war, and the offensive attitude adopted by some continental nations, roused in the colonies a spirit of intense loyalty and patriotism, combined with a desire to be recognised as component factors of the Empire in the wider sphere of world politics. Offers of trained men were made to and accepted by the British Government, and Western Australia readily took up her share of the burden. Contingent after contingent of troops were sent out, and rendered conspicuous service throughout the campaign. Although compared with later events the assistance rendered was comparatively trifling, its importance cannot be over-estimated, for while the offer to send help to Britain was a new expression of colonial patriotism, its acceptance was a fresh development in Imperial politics, proving as it did that the colonies were becoming fitted to undertake some of the duties of nationhood. This fact has been further emphasised during the recent world war, from which foreign nations have learned the lesson that in the face of danger the Imperial unity of Britain is a reality to be always taken into account.

## CHAPTER 17.

### FEDERAL MOVEMENT IN WESTERN AUSTRALIA.

For very many years prior to the actual inauguration of the Commonwealth, the people of the various Australian colonies had been viewing with increasing favour the conception of a federated or united Australia, although the earliest proposal to bring about this result, put forward by Earl Grey in 1847, had met with strenuous opposition.\* It was felt at the time that the conflict of interests was too great to make the amalgamation of the various colonial governments either possible or wise. It must be remembered that the main population of the various colonies was centred round the capital cities, which were separated by long stretches of almost uninhabited country, with no communication between them except by sea or by road. This made it extremely difficult to put forward any concrete suggestion that would act with justice and fairness in questions relating to legislative facilities and equal rights. Differences in what may be termed economic legislation further accentuated this feature. For example, New South Wales and Victoria were as wide apart as the poles in matters relating to customs duties, in fact, the "war of the customs" appeared to be an almost impassable barrier to the hopes of those to whom the idea of federation appealed as a factor towards the creation of a great Imperial union. However, the British Government, recognising that the future must bring with it wider views, incorporated the principle of federation in the Australian Government Bill of 1850. The wisdom of including such provision was warmly debated in both Houses,\* and only succeeded in passing through the House of Lords by one vote. The arguments used led Earl Grey to reconsider the question, and he finally decided to omit the clause\*\*\* (Clause 30 of the original Bill). In June 1851 Sir Charles Fitzroy, the Governor of New South Wales, received a further commission as Governor-General of Australia, the official rank of all other Australian Governors being that of Lieutenant-Governor. This further commission, granted to the holder of the Governorship of New South Wales, was certainly not meant to be barren of power and privileges, for the Governors of other colonies were to be superseded in their duties by the temporary residence of the Governor-General in their territory.\*\*\*\*

(\*Footnote. Rusden, G.W. History of Australia London 1883 volume 2 pages 464 et seq.)

(\*\*Footnote. Hansard third series volume 110 pages 800 to 806; volume 111 pages 1216 to 1227.)

(\*\*\*Footnote. Ibid volume 113 page 806.)

(\*\*\*\*Footnote. Epitome of the Official History of New South Wales Sydney 1883 pages 179 and 181; Earl Grey to Sir C. Fitzroy 13 January 1851; Sir C. Fitzroy to Earl Grey 23 June 1851.)

Sydney was the federal capital, and it was only the strong representations of the residents of Melbourne and Adelaide in regard to the inconvenience this would cause which lead to these powers and privileges falling into disuse. At this stage it is idle to speculate, but we may wonder what might have been the result if the five capitals had been connected by rail as they now are. The distinctive title of Governor-General in regard to the Governor of New South Wales was retained until 1855.\* It was not at any time more than an empty honour which carried no real power. The incident is

mainly instructive as showing how strongly the Colonial Office held to the federal sentiment and how clearly the future was outlined.

(\*Footnote. Ibid page 257.)

Although Earl Grey, probably convinced that federation was premature at that stage of Australian development, agreed to the deletion of the federal clauses from the Act of 1850, the idea of a future federal bond was not wholly abandoned. For many years it seemed to be only the vague dream of a few visionaries, and quite outside the realm of practical politics. The keen competition between the eastern colonies, which followed upon responsible government, only served to accentuate their differences--on tariff questions especially--and to erect barriers of self-interest. But even during that period thinking men clearly recognised the wisdom of ultimate federation, and foresaw the time when the vague dream would become the "question of the hour." Wentworth, Deas Thomson, and Dr. Lang in New South Wales, and Gavan Duffy in Victoria, kept the federal idea alive, and a series of intercolonial conferences held at irregular intervals between 1863 and 1883 served, by discussion of matters of mutual concern, to remove some of the difficulties from the path.\*

(\*Footnote. Barton, G.B. Historical Sketch of Australian Federation in Year Book of Australia 1891 pages 6 to 14.)

Being a Crown colony, Western Australia was debarred from full membership of these conferences, but was represented at the conferences of 1881 and 1883, though the delegate was instructed to refrain from voting. At the conference of 1881 a Bill to establish a Federal Council of Australasia was brought forward by Sir Henry Parkes, but as a motion for its submission to the various legislatures concerned failed to secure a majority, the Bill was dropped.\* A second Bill, prepared by the Honourable (afterwards Sir) Samuel Griffiths was presented to the conference of 1883, and after discussion adopted.\*\* The necessary legislative consents--Imperial and Colonial (New South Wales excepted)--having been secured, the Federal Council Act came into operation in 1885. This was really the first definite step towards the federation of the Australian colonies.

(\*Footnote. Minutes of Proceedings of Conference in New South Wales Votes and Proceedings of the Legislative Assembly 1880 to 1881 volume 1.)

(\*\*Footnote. Minutes of Convention ibid 1883 to 1884 volume 9.)

The members of the Council met in Hobart in 1886 for the first time, the appointment of the delegates to the Council having been sanctioned by an Imperial Act. The plan of federation did not satisfy the wishes of Sir Henry Parkes,\* who maintained that unification in the best sense would not be the outcome of the deliberations of this body, and he therefore promulgated a rival scheme of a comprehensive nature. With his usual determination, Sir Henry, who was now definitely committed to the policy of federation, threw all his personal influence into the scheme, and secured for it that popular favour which alone could command success, thereby dooming the other movement to failure. The previous attitude of Sir Henry Parkes toward the Federal Council of Australasia had been one that was not calculated to inspire confidence in the minds of the statesmen of the other colonies, and his efforts at this period were viewed with some suspicion in Victoria. Only a short time previously he had

attempted to appropriate the national title of Australia for New South Wales, and perhaps the report of General Edwards\*\* on the need of federal action in national defence had a good deal to do with the alteration of Sir Henry's views on the subject of federation. Ultimately, however, all jealousies and difficulties were overcome, and an Australasian Federation Conference was held in Melbourne during February 1890. To what extent the success of the movement was due to the splendid patriotism of Sir Edmund Barton, afterwards the first Prime Minister of the Commonwealth, and subsequently senior Puisne Judge of the High Court, it would be hard to say. Sinking all political differences of a local nature, Barton threw himself heart and soul into the federal agitation in New South Wales, proving that he possessed the large-heartedness of the statesman and the unselfishness of the true patriot.

(\*Footnote. Lynne, C.E. Life of Sir Henry Parkes Sydney 1896 page 492.)

(\*\*Footnote. Memorandum containing proposals for the organisation of the military forces of the Australian Colonies by General Sir J.B. Edwards in Votes and Proceedings of the Legislative Council 1889 session 3 Paper A8.)

At the conference of 1890 the far-reaching proposals of Sir Henry Parkes triumphed over the more timid suggestions of the Federal Council, and the ideal of a federated Australia assumed a more concrete and tangible form. A resolution was carried to the effect that, in the opinion of the conference, the best interests and the present and future prosperity of the Australian colonies would be promoted by an early union under the Crown, and that the members of the conference should take steps to induce their respective Legislatures to appoint, during the year, delegates, not exceeding seven in number from each colony, empowered to consider and report on an adequate scheme for a Federal Constitution.\* The legislative authority of the previous Federal Council had no doubt paved the way for this larger measure of progress, and though the invitation to the conference of 1890 must be credited to the efforts of Sir Henry Parkes, the earliest promulgation of the broad principles of federation was due mainly to the actions of the Federal Council.

(\*Footnote. Official record of Proceedings of the Australasian Federation Conference 1890 pages 19 to 20 in Victoria, Votes and Proceedings of the Legislative Assembly 1890 volume 2.)

The legislatures of the different colonies approved of the proposal of the conference, and appointed the necessary delegates. These met in March 1891 under the title of the National Australasian Convention. The principal result of the deliberations of this Convention was an agreement upon a draft Bill for the constitution of the Commonwealth. However, the time was not yet sufficiently ripe for the Federation of Australasia, and especially in New Zealand and Fiji was this feeling pronounced. Neither of these colonies accepted the Constitution as drafted, and the attitude they then adopted has been preserved by them ever since. It would also appear as if the labours of the Convention of 1891 had been abortive, for in none of the colonies was the draft then drawn up accepted. Yet the Bill formed to some extent the basis of the Constitution which became law nine years later--evidence that the work of the Convention had not been altogether in vain.

The position of Western Australia, as the least populous colony, was realised by all its politicians, and it was recognised that any scheme of amalgamation would need very

careful consideration before the opinion of the electors could be sought finally on this most important movement. The great expansion due to the finding of gold in payable quantities helped to strengthen this view, and the expression of Sir James Lee Steere at the Convention of 1890, that the colony could not afford to sacrifice her existing tariff,\* was becoming more strongly justified. Thus at the outset the differing fiscal policies of the various colonies, together with the fact that the two most populous--New South Wales and Victoria--were diametrically opposed, only made the position more difficult and embarrassing. During the four years following the National Australasian Convention no active steps were taken in regard to union, though the question of a Federated Australia occupied a more or less prominent position in the minds of the people, who were gradually becoming educated in this most important matter.

(\*Footnote. Official record of Proceedings of the Australasian Federation Conference 1890 page 40 in Victoria Votes and Proceedings of the Legislative Assembly 1890 volume 2.)

In 1895, however, the question, which had been brought forward at a session of the Federal Council in Hobart two years earlier,\* was again keenly scrutinised, and a meeting of Premiers, called by the Premier of New South Wales, Mr. G. Reid, was held in the same city in January to discuss the question. After careful consideration of the whole subject, this conference decided upon a further Convention, which should be a purely elective one, chosen by the electors in each colony, for the purpose of framing a Constitution under which it would be possible for the various Australian colonies to federate.\*\* The then Western Australian Premier, Sir John Forrest, objected to the proposal of an elective Convention to frame another Bill for the purpose of union, holding that the draft Commonwealth Bill of 1891 should be first submitted to the Parliaments of the various colonies interested, and any amendments made by them referred to a second Convention, to be appointed after a general election.\*\*\*

(\*Footnote. Federal Council Votes and Proceedings 1893 pages 16 to 17 and 23 to 24.)

(\*\*Footnote. West Australian 2 February 1895.)

(\*\*\*Footnote. Ibid.)

Eventually, however, Western Australia met the wishes of the other colonies, and in 1896 accepted the draft of the Enabling Bill prepared at the Premiers' Conference by the Premiers of Victoria and South Australia.\* This Bill provided for a Convention of ten representatives from each of the conferring colonies, and these were charged with the duty of framing a Federal Constitution. New Zealand took no active part in the formation of these measures, though if that colony desired it was to be included in the Convention.\*\* (\*Footnote. Australian Federation Enabling Act West Australian 1896 60 Victoria Number 32.)

(\*\*Footnote. Western Australian Parliamentary Debates new series volume 9 page 845.)

The provisions of the Enabling Bill were accepted by New South Wales, Victoria, South Australia, and Tasmania, each of whom sent ten representatives, to whom was



given the onerous responsibility of framing a Constitution to meet the varying needs of the Australian nation. To this convention Western Australia also sent ten representatives, but they were selected by the two Houses of Parliament sitting together, and therefore were only to a certain extent the chosen of the people.\*

(\*Footnote. Ibid page 848.)

The Convention, consisting of delegates from all the Australian colonies except Queensland,\* met in Adelaide in March 1897\*\* and proceeded with the task of preparing a Constitution Bill which it was hoped would be acceptable to all the colonies, and would reconcile the many conflicting interests that had hitherto prevented the ideal of federation from reaching fruition. In the first session a series of resolutions,\*\*\* based mainly on those of the Convention of 1891, was moved by Mr. Barton, and after a debate, which lasted for several days, was agreed to in the following form:\*\*\*\*

That in order to enlarge the powers of self-government of the people of Australasia it is desirable to create a Federal Government which will exercise authority throughout the federated colonies, subject to the following conditions:

1. That the powers, privileges, and territory of the several existing colonies shall remain intact, except in respect to such voluntary surrenders as may be agreed upon to secure uniformity of law and administration in matters of common concern.
2. That after the establishment of the Federal Government there shall be no alteration of the territorial possessions or boundaries without the consent of the colony or colonies concerned.
3. That the exclusive power to impose and collect duties of Customs and Excise and to give bounties shall be vested in the Federal Parliament.
4. That the exclusive control of the military and naval defences of the federated colonies shall be vested in the Federal Parliament.
5. That trade and intercourse between the federated colonies, whether by land or sea, shall become and remain absolutely free.

Subject to the carrying out of these and such other conditions as may hereafter be deemed necessary, this Convention approves of the framing of a Federal Constitution which shall establish:

(a) A Parliament to consist of two Houses, namely, a States Assembly or Senate, and a National Assembly or House of Representatives; the States Assembly to consist of representatives of each colony, to hold office for such periods and to be chosen in such manner as will best secure to that Chamber a perpetual existence, combined with definite responsibility to the people of the State which shall have chosen them; the National Assembly to be elected by districts formed on a population basis; and to possess the sole power of originating all Bills appropriating revenue or imposing taxation.

(b) An Executive, consisting of a Governor-General, appointed by the Queen, and of such persons as from time to time may be appointed as his advisers.

(c) A Supreme Federal Court, which shall also be the High Court Of Appeal for each colony in the federation.

(\*Footnote. Queensland was not represented at any of the Conventions.)

(\*\*Footnote. Proceedings of the Australasian Federal Convention Adelaide 1897.)

(\*\*\*Footnote. Proceedings of the Australasian Federal Convention Adelaide 1897 pages 9 to 10.)

(\*\*\*\*Footnote. Ibid page 36.)

As one of the principal clauses in the above resolutions vested exclusive power for the imposition and collection of customs and excise duties in the Federal Parliament, it became necessary to formulate a scheme under which the surplus revenue, over and above Federal requirements collected from these sources, should be returned to the individual States on an equitable basis. This, which was one of the principal financial questions that arose, and which it was so difficult to overcome, was ultimately settled on the following basis:\*

1. Whilst the existing tariffs in each State still remained in force, each State was to be credited with the amount of revenue collected in it from the Customs and Excise duties and the performance of services transferred to the Commonwealth. On the debit side each State was to be responsible in respect to the expenditure on the Customs and other services, and also for its proportion of the total cost of the Commonwealth on a population basis, in regard to purely original Commonwealth expenditure. The balance remaining to be paid monthly to each state.

2. For a period of five years after the establishment of Customs and Excise duties on a uniform basis the expenditure was to be charged in the same way and the revenue and expenditure balanced on the basis of its income from these sources. However, the federal tariff and intercolonial free trade would bring about a peculiar state in regard to the consumption of dutiable goods, and an interchange was so made that the consuming State of such dutiable goods should be credited with the duty collected on such goods, even if the duty had not been originally paid in such State.

3. After the period mentioned, all expenditure was to be charged and all surplus revenue disbursed on a population basis.

(\*Footnote. National Australasian Convention Adelaide 1897 official debates pages 1067 to 1070.)

The Bill was framed on these lines, and when the Convention adjourned on 22 April it had certainly done much to bring about the desired federal issue, and had clearly defined the ways and means of federal unity. Before the next meeting, which was held in Sydney in September, the Parliament of Western Australia had had the opportunity of considering the draft of the Bill and had suggested a few amendments.\* It was thought necessary that before entering into the union a

guarantee should be given for the return of surplus revenue to each individual State, and the sliding scale of distribution was struck out. Then, again, the House objected to the method of ultimate distribution of revenue, and in the place of the per capita system it suggested that of a return in proportion to contribution. This question of the distribution of surplus revenue was one of great importance to Western Australia, where, owing to the abnormal conditions prevailing, the revenue was greatly out of proportion to the population, in which case a per capita return would mean a serious financial loss.\*\*

(\*Footnote. Western Australian Parliamentary Debates new series volume 10 pages 244, 259 to 275 and 292 to 301.)

(\*\*Footnote. Quick, Sir J., and Garran, R.R. Annotated Constitution of the Australian Commonwealth Sydney 1901 pages 185 to 186.)

The Parliaments of the other colonies also exercised their rights of criticism, and when the Convention reassembled in Sydney in September it was very apparent that the varying interests of the colonies were still a long way from settlement. The position at first seemed almost insurmountable, especially as the abnormal condition of affairs in Western Australia and the existence of a large unsettled mining population were factors that in themselves required special treatment. After discussion a Finance Committee of the Convention was formed to bring forward some suggestion by which the difficulty might be overcome,\* and on 24 September the Convention adjourned to meet for its final session on 20 January 1898 in Melbourne, by which time it was hoped the rough places would be made smooth.

(\*Footnote. Australasian Federal Convention Sydney 1897 official debates page 21.)

The session which opened in January 1898 proved of some length, and it was found that the report of the Finance Committee practically reverted to the plan proposed in 1891, by which each state was assured of a return of surplus revenue on the basis of its contributions for five years, leaving the ultimate mode of distribution to the Commonwealth Parliament. To meet the case of Western Australia, a special recommendation was made providing that any deficiency in the proportional amount in regard to that State would be made good by the Commonwealth. As was clearly to be expected, this view was not upheld in regard to the latter proposal, and it was decided that for a period of five years Western Australia would be allowed to impose gradually diminishing customs duties on intercolonial imports.\* The draft Bill as it now stood was accepted by the Convention, and nothing remained but that it should be submitted to a referendum of the people, and then receive the final ratification so far as Australia was concerned.

(\*Footnote. Quick and Garran Annotated Constitution pages 197 to 199.)

The first referendum was taken in June 1898. Western Australia did not participate, as there was a growing feeling that in many ways the proposals as they then stood were not in the best interests of the colony. The results showed that in four of the colonies the Bill was accepted with decisive majorities, but that in the case of New South Wales the total vote polled was below the number required.\* At the request of the Premier of New South Wales, a Premiers' Conference, at which the Premier of

Queensland was present, was held in Melbourne in 1899, and some amendments were introduced into the draft Bill\*\* to satisfy the wishes and in some respects the vanity of New South Wales, but the concessions to Western Australia asked for by Sir John Forrest did not meet with the support of the Premiers.\*\*\*

(\*Footnote. Ibid page 213.)

(\*\*Footnote. Ibid pages 218 to 220.)

(\*\*\*Footnote. West Australian 14 February 1899.)

A second referendum was now taken in New South Wales, and the adoption of the amended Bill was secured.\* So far the people of Western Australia had not been given the opportunity of expressing an opinion on the question, but the amended Bill was laid before the local Parliament in 1899\*\* and a Joint Select Committee was appointed to report upon its effect upon Western Australia.\*\*\* In its report\*\*\*\* the committee pointed out that several safeguards were essential before the measure could be accepted in Western Australia. These safeguards were set out as four amendments to the Constitution Bill, and it was proposed that these amendments should be submitted to the people for an expression of opinion, together with the Bill as it had been accepted by the people of the other five colonies. The amendments were:\*\*\*\*\*

1. That the colony should be enabled to divide itself into electorates for the Senate elections.
2. That the Federal Parliament should be empowered to authorise the construction of a transcontinental railway.
3. That for five years after the adoption of the federal tariff Western Australia should be allowed to impose her own Customs duties on intercolonial and other imports.
4. That Western Australia should be exempted for five years from the jurisdiction of the Interstate Commission.

(\*Footnote. Quick and Garran Annotated Constitution page 223.)

(\*\*Footnote. Western Australian Parliamentary Debates new series volume 14 page 364.)

(\*\*\*Footnote. Ibid page 515.)

(\*\*\*\*Footnote. Western Australian Votes and Proceedings 1899 volume 3 Paper A10.)

(\*\*\*\*\*Footnote. Ibid pages 111 to 114.)

There is little doubt that these amendments were framed by the committee in the hope that they would prevent Western Australia from entering federation, even if it was not possible to prevent the submission of the Bill to the electors. The immediate result, however, perhaps not altogether foreseen, was to arouse public opinion against what seemed to be a wilful disregard of the wishes of the people, most of whom, whether federalists or not, were in favour of a referendum being taken. The Federal League was formed, of which Mr. George Leake, who had been a member of the Conventions

of 1897 and 1898, was elected President. This League drew up what was known as the Bill to the People petition,\* which asked that the electors of Western Australia as a whole should be given the same opportunity as those of the eastern states of expressing their opinion by means of a referendum. When the petition was presented to Parliament\*\* it contained something like 23,000 signatures,\*\*\* but it seems to have had no effect upon a body, the majority of whose members had already decided to put every possible stumbling-block in the way of federation. The prayer of the petition was negatived by both Houses with scant courtesy,\*\*\*\* and although it was agreed by the Legislative Assembly\*\*\*\*\* that the Bill and the Western Australian amendments should both be submitted to the people, the proposals were rejected by the Legislative Council.\*\*\*\*\* The impression created, particularly on the goldfields, was that the people were being tricked, and this served to add fuel to the already existing Goldfields-Coast animosity. Several of the causes which led to this animosity, for example, insufficient representation and unjust mining laws, have already been discussed. Other causes were differential railway freights, high protective duties, and the refusal to construct the Esperance railway. These in themselves produced a bitterness of feeling which the latest move of a Parliament in which they were not proportionately represented served to accentuate. Comparisons were made between the treatment of the goldfields community and that of the Uitlanders in South Africa, and a movement was set on foot which developed into the great "separation for federation" cry, which undoubtedly was the most important factor which led to the ultimate unconditional submission of the Bill to the electors.

(\*Footnote. Western Australian Votes and Proceedings 1899 volume 3 Papers A6 and 8.)

(\*\*Footnote. Western Australian Parliamentary Debates new series volume 14 page 1329.)

(\*\*\*Footnote. Ibid page 1452.)

(\*\*\*\*Footnote. Ibid volume 15 pages 2117 and 2726.)

(\*\*\*\*\*Footnote. Ibid page 2184.)

(\*\*\*\*\*Footnote. Ibid pages 2725 to 2726.)

A conference was held at Coolgardie on 13 December 1899\* at which representatives of municipalities, the Chamber of Mines, labour unions, and other public bodies were present. The grievances of the goldfields were discussed at length, and it was finally decided, by a majority of 59 out of a total attendance of 61 delegates, that "this Conference is of opinion that, as all other constitutional means have been tried and failed, the only course to redress the grievances of the eastern goldfields, especially in the matter of federation, is to take advantage of the power given under the Constitution Act of 1890, and to petition the Queen for separation from the rest of the colony of Western Australia, for the establishment of responsible government therein, and for becoming part of the Australian Commonwealth." The conference then formed itself into a Reform League, and appointed a provisional committee which proceeded quietly and effectively with the separation movement. A second conference, at which the attendance was even more representative, was held at Kalgoorlie on 3 January 1900,\*\* at which the text of the proposed petition to the Queen, which had been revised by Messrs. Glynn, Kingston, and Symon, was submitted and unanimously adopted.\*\*\*

(\*Footnote. Coolgardie Miner 14 December 1899.)

(\*\*Footnote. Kalgoorlie Miner 4 January 1900.)

(\*\*\*Footnote. Kirwan, J.W. Altering the Map of Australia Review of Reviews January 1900. Also Manifesto of the Eastern Goldfields Reform League of Western Australia Coolgardie 1900.)

Immediately following upon this, another Premiers' Conference met in Sydney at which Sir John Forrest was present.\* He fought hard for the inclusion of the amendments suggested by the Select Committee of the Western Australian Parliament,\*\* but the other Premiers, secure in the fact that the people of their colonies had passed the Constitution Bill were opposed to making any concessions. It was thought, and free expression was given to the thought, that Western Australia would be compelled, sooner or later, to join the federation, and that the agitation on the goldfields would force the hands of the Western Australian Parliament in regard to placing the Bill before the electors. They were strengthened in this opinion by the encouragement which the goldfields' attitude was receiving. The matter was taken up not only by the Press of the eastern colonies, but also by that of Great Britain. A London branch of the Reform League was established, and communication entered into unofficially with the Colonial Office authorities.\*\*\* Constant analogies were drawn between the position of the Uitlanders in the Transvaal and the T'othersiders in Western Australia. Mr. Chamberlain, the Secretary of State for the Colonies, was reminded that in the House of Commons during the previous October Mr. John Morley had accused him of endeavouring to place on the Transvaal Republic obligations which he dared not even try to impose on any self-governing colony, to which he had replied, "If a self-governing British colony should impose upon British subjects such conditions as are imposed upon the British subjects in the Transvaal, I say we should interfere or cut the connection."\*\*\*\* This statement was freely used by the advocates for separation, who felt that their cause was so strong that in the ultimate issue Mr. Chamberlain might be compelled to make good his words and interfere to the extent of granting the goldfields' demand. In the meantime the petition was being rapidly prepared, and on the 17 March 1900 it was forwarded to the Governor, signed by 27,733 adults, for presentation to Her Majesty. A further petition, very numerous signed by the people of the Albany district, asking for inclusion in the proposed new colony, was forwarded separately.\*\*\*\*\*

(\*Footnote. Quick and Garran Annotated Constitution page 227.)

(\*\*Footnote. West Australian 5 February 1900.)

(\*\*\*Footnote. Hunter, H.H. How the Goldfields United Australia page 3 in Kalgoorlie Mayoral Report 1916.)

(\*\*\*\*Footnote. Hansard fourth series volume 77 page 341.)

(\*\*\*\*\*Footnote. Hunter, H.H. How the Goldfields United Australia page 3; West Australian 18 March 1900.)

Whilst these discussions were taking place in the colony, the Bill, as accepted by the other colonies, had been forwarded to the Colonial Office, and the Secretary of State expressed a desire that delegates should be sent to London from Australia to explain its provisions and assist the Colonial Office during its passing through Parliament. The Premiers' Conference in January 1900 agreed with this proposal, and the following delegates were chosen: Mr. Edmund Barton (New South Wales) Mr. Alfred

Deakin (Victoria) Mr. J.R. Dickson (Queensland) Mr. C.C. Kingston (South Australia) and Sir P.O. Fysh (Tasmania).<sup>\*</sup> Perceiving the value of a representation in London at this most critical period in the history of Western Australia, the Government asked that it might also be represented, and to this Mr. Chamberlain consented with the approval of the other colonies.<sup>\*\*</sup> In fact, throughout the whole negotiations there is ample evidence that the governments of the eastern colonies were anxious that Western Australia should be included in the union as an original State, but were not prepared to allow it to dictate terms. Mr. (now Sir) S.H. Parker, Chief Justice of Western Australia, was selected as the delegate. He was instructed<sup>\*\*\*</sup> not to press for three out of the four amendments proposed by the Select Committee of the Western Australian Parliament, but to apply himself entirely to the fourth amendment. Of the other amendments, the one asking that the colonies should be divided into electorates for the senate elections was looked upon as indefensible, whilst that requesting exemption for a period of five years from the jurisdiction of the Interstate Commerce Commission was regarded as unnecessary. The amendment regarding the construction of the transcontinental railway was allowed to drop, as the Premier of South Australia, the other colony concerned, undertook,<sup>\*\*\*\*</sup> in the event of the inclusion of both colonies as States in the Commonwealth, to pass a Bill consenting to the line stage by stage simultaneously with the passing of a like Bill in Western Australia. The fourth amendment asked that Clause 95 of the Constitution Bill should be so altered as to allow Western Australia to impose her own customs duties on intercolonial and other imports for the first five years of the union instead of being compelled, as in the Bill, to reduce these duties by one-fifth annually until freedom of trade was established.

(\*Footnote. Quick and Garran Annotated Constitution page 228.)

(\*\*Footnote. Ibid.)

(\*\*\*Footnote. Copy of instructions and further correspondence Western Australian Votes and Proceedings 1900 Paper Number 1.)

(\*\*\*\*Footnote. Ibid page 3.)

In correspondence with the Secretary of State, and in discussions with the other delegates and Mr. Chamberlain, Mr. Parker strenuously urged the acceptance of this amendment, pledging his Government in that case to obtain the sanction of Parliament and the people to the Bill.<sup>\*</sup> The delegates were opposed to any alteration in the Bill as approved by the people of the eastern colonies, and the Secretary of State decided he could not interfere unless he was requested to do so by the various Premiers. Mr. Chamberlain went so far as to communicate with the governors of all the Australian colonies, suggesting that as the desired medium did not affect any principle of the measure, their governments might ask Parliament to agree to it by resolution and thus save the delay that might be occasioned by a further referendum. The Premier of Queensland notified his agreement, but a further Premiers' Conference considered that the Governments had no authority to accept any amendments. Sir John Forrest continued to make the acceptance of the amendment a condition precedent to the passing of an Enabling Bill, but the Secretary of State for the Colonies, on the 27 April 1900, dispatched to the administrator of Western Australia a telegram which forced the hands of the Western Australian Government.<sup>\*\*</sup> After pointing out that he could no longer press the amendment, and that the terms under which Western Australia might come in as an original State were better than those

that could be afterwards secured, he went on to say, "Your responsible advisers will also, of course, take into consideration the fact of the agitation by the federal party, especially on the goldfields, if Western Australia does not enter as an original State. It appears to me, under the circumstances, of the utmost importance to the future of Western Australia to join at once." In addition to this official statement, private advices from authoritative sources were being received by goldfields' residents to the effect that the goldfields' petition would be treated with very sympathetic consideration if the colony decided to stand out of federation. The communication from the Secretary of State, strengthened by these private advices, made it evident that the Government of Western Australia could take only one course. The possibility of the separation of the goldfields was one that needed most careful consideration on the part of the opponents of the Bill, for it was generally recognised that if the goldfields became part of the federal union, disaster would probably ensue to the portion of the colony that held aloof. After serious consideration, Sir John Forrest and his Government, convinced that separation was too high a price to pay for temporary financial advantage, decided to summon Parliament forthwith and to introduce an Enabling Bill to provide for the submission of the Commonwealth Bill, without amendments, to the people. This decision considerably relieved the tension that existed, but it brought forward some rather cynical recriminations, and it is still difficult to estimate the extent of the pressure brought to bear upon some prominent politicians, which, whatever it may have been, was sufficient to make them retire from their positions as avowed opponents and become ardent supporters of federation. The Enabling Bill,\* which rapidly passed through all stages, and received the Royal Assent on 13 June, provided that a referendum should be taken on the 31 July, and that every adult person who had resided in the colony for a period of twelve months should be allowed to vote.

(\*Footnote. Copy of instructions and further correspondence Western Australian Votes and Proceedings 1900 Paper Number 1 page 6.)

(\*\*Footnote. Ibid page 8.)

(\*\*\*Footnote. 63 Victoria Number 55.)

One object at any rate had been achieved by the delay. It gave the people a longer opportunity for understanding the advantages and disadvantages that would result from federation, and made them better fitted to exercise an intelligent vote when the time for doing so arrived. In fact, all the issues had been so thoroughly discussed that it is doubtful whether any vote could have been cast in ignorance. So prominent had the whole question become that the referendum merely marked the climax of a long-continued controversy. The opponents still urged that Western Australia was entitled to more generous financial treatment, and that the construction of the transcontinental railway should have been made compulsory in the Bill; that without these provisions the promises of fair treatment held out by the eastern colonies could not be relied upon; that under federation agriculture would be ruined, and the colony made a dumping ground for eastern manufactures. These arguments were combated zealously, but not altogether convincingly by the federalists, who relied chiefly upon the sentimental cry of a United Australia. On the goldfields there was another great cause at work in the agitation against the coast which has since its inception been detrimental to the best interests of Western Australia. Long before the referendum



was taken its result was a foregone conclusion, but the majority of 25,109 in favour of federation, out of a total vote of 64,491, was not altogether expected.

The Commonwealth Constitution Bill, which had been introduced into the House of Commons on 14 May 1900, became law on 9 July, and on 1 January 1901 the five colonies of Australia, together with Tasmania, were united in the Commonwealth of Australia--a Commonwealth which it is hoped, in the words of Sir Samuel Griffith, "will dominate the southern seas, of which any man may be proud to be a citizen, and which will be a permanent glory to the British Empire."\*

(\*Footnote. National Australasian Convention 1891 Official report of debates page 532.)

## APPENDICES.

### APPENDIX 1.

DISPATCH FROM SECRETARY OF STATE FOR THE COLONIES TO  
CAPTAIN STIRLING, 30TH DECEMBER, 1828.

Downing Street, 30th December 1828.

Captain Stirling, R.N.

Sir,

It having been determined by His Majesty's Government to occupy the post on the western coast of New Holland, at the mouth of the river called Swan River, with the adjacent territory, for the purpose of forming a settlement there, His Majesty has been pleased to approve the selection of yourself to have the command of the expedition appointed for that service, and the superintendence of the proposed settlement.

You will accordingly repair, with all practicable dispatch, to the place of your destination, on board the vessel which has been provided for that purpose.

As Swan River and the adjacent territory are not within the limits of any existing colony, difficulties may easily be anticipated in the course of your proceedings, from the absence of all civil institutions, legislative, judicial, or financial.

Until provision can be made in due form of law for the government of the projected colony, the difficulties to which I refer must be combated, and will, I trust, be overcome by your own firmness and discretion.

You will assume the title of Lieutenant-Governor, and in that character will correspond with this department respecting your proceedings and the wants and prospects of the settlement you are to form.

Amongst your earliest duties will be that of determining the most convenient site for a town to be erected as the future seat of government.

You will be called upon to weigh maturely the advantages which may arise from placing it on so secure a situation as may be afforded on various points of the Swan River, against those which may follow from establishing it on so fine a port for the reception of shipping as Cockburn Sound is represented to be; and more effectually to guard against the evils to be apprehended from an improvident disposal of the land in the immediate vicinity of the town, you will take care that a square of three miles (or one thousand nine hundred and twenty acres) is reserved for its future extension; and that the land within this space is not granted away (as in ordinary cases) but shall be held upon leases from the Crown, for a term not exceeding twenty-one years. You will, from the commencement of the undertaking, be observant of the necessity of marking out and reserving for public purposes all those peculiar positions within or in the vicinity of the projected town which, from natural advantages or otherwise, will

probably be essential to the future welfare of the settlement. In laying the foundations of any such town, care must be taken to proceed upon a regular plan, leaving all vacant spaces which will in future times be required for thoroughfares, and as sites of churches, cemeteries, and other public works of utility and general convenience.

You will cause it to be understood that His Majesty has granted you the power of making all necessary locations of land. For your guidance in this respect, ample instructions will at a future period be prepared. In the meantime I enclose a copy of the instructions of the Governor of New South Wales on this subject, to which you will adhere as closely as circumstances will admit.

You will bear in mind that in all locations of territory, a due proportion must be reserved for the Crown, as well as for the maintenance of the clergy, support of establishments for the purposes of religion, and the education of youth; concerning which objects more particulars will be transmitted to you hereafter.

I think it necessary also to caution you thus early (as land on the sea or river side will naturally be the first to be located) that you must be careful not to grant more than a due proportion of sea or river frontage to any settler. The great advantage to be derived from an easy water communication will of course not escape your consideration, and this advantage should be divided amongst as many settlers as can conveniently benefit by their position in the vicinity.

In regard to the surveys and explorations of the country, which you may think it right to set on foot, it is perhaps premature to give you any instructions upon a point where so much must be left to your own discretion and intelligence as to the nature of the soil and of the country, which you may obtain on the spot; looking however to the future prospects of the settlement, and to the advantages of its local position, I should be inclined to think that it will be expedient to make the country south of Swan River the scene of your labours, rather than the tract of country north of that stream, and that you will do well to invite the settlers to locate themselves according to this suggestion.

You will endeavour to settle, with the consent of the parties concerned, a court of arbitration for the decision of such questions of civil right as may arise between the early settlers, and until a more regular form of administering justice can be organised.

You will recommend, by your counsels and example, the habitual observance of Sunday as a day of rest and public worship, as far as may be compatible with the circumstances in which you may be placed.

With these few and general instructions for your guidance, assisted by the oral and written communications which have taken place between yourself and this department, you will, I trust, be able to surmount the difficulties to which you may be exposed at the outset, enhanced though they may be, by the want of any regular commission for administering the government.

An instrument of that nature, accompanied with all the requisite instructions, will be transmitted to you as soon as the indispensable forms of proceeding in such cases will allow.

I am, etc.,

G. Murray.

## **APPENDIX 2.**

### **PROCLAMATION BY CAPTAIN STIRLING, DATED 18TH JUNE, 1829.**

By His Excellency James Stirling, Esquire, Captain in the Royal Navy and Lieutenant-Governor of His Majesty's Settlement in Western Australia:

Whereas His Majesty having been pleased to Command that a Settlement should forthwith be formed within the Territory of "Western Australia," and whereas with a view of effecting that Object an Expedition having been prepared and sent forth, and in Accordance with His Majesty's Pleasure the Direction of the Expedition and the Government of the proposed Settlement having been confided to me, and whereas in Pursuance of the Premises Possession of the Territory having been taken, I do hereby make the same known to all Persons whom it may concern, willing, and requesting them duly regulate their conduct with reference to His Majesty's Authority, represented in me, as good and loyal subjects ought to do, and to obey all such Legal Commands and Regulations, as I may from time to time see fit to enact, as they shall answer the contrary to their Peril.

And whereas by the Establishment of His Majesty's Authority in the Territory aforesaid, the Laws of the United Kingdom as far as they are applicable to the Circumstances of the Case, do therein immediately prevail and become security for the Rights, Privileges, and Immunities of all His Majesty's Subjects found or residing in such Territory, I do hereby caution all to abstain from the commission of Offences against the King's Peace or the Laws of the Realm upon pain of being arrested, prosecuted, convicted, and punished in the same manner and to all Intents and Purposes as is usual in similar offences committed in any other Part or Parts of His Majesty's Dominions subject to British Law.

And whereas for the aids of Justice and the preservation of Peace I may hereafter see Occasion to nominate and appoint a properly qualified Person to execute the Office of Sheriff of the Territory, having under his direction responsible individuals filling the Offices of High Constable, Constables, Bailiffs, and Surveyors of High Ways. And whereas I may hereafter see occasion to issue a Commission to certain discreet Persons to proceed to the Cognizance of Offences against the Laws; to hear and determine Complaints of Injury; to commit Offenders for further trial to the Custody of the Sheriff; and to conduct themselves in the execution of their Office according to such mode of proceeding as Justices of the Peace may lawfully adopt; I here command and require that due abundance and respect be shown to all such Persons in their several Places and Jurisdictions.

And whereas the Protection of Law doth of Right belong to all people whatsoever who may come or be found within the Territory aforesaid, I do hereby give Notice that if any Person or Persons shall be convicted of behaving in a fraudulent, cruel, or felonious Manner towards the Aborigines of the Country, such Person or Persons will

be liable to be prosecuted and tried for the Offence, as if the same had been committed against any other of His Majesty's subjects.

And whereas the safety of the territory from invasion and from the attack of hostile native tribes may require the establishment of a Militia Force which on emergency may be depended on to assist His Majesty's regular troops in the defence of the laws and property of the inhabitants of the Territory, and moreover the Efficiency of such an armed body, depending wholly on its Organisation, Discipline, and Preparation for Service, all male persons whatsoever, between the ages of 15 and 50, are hereby required to enrol themselves in the Muster roll of the Militia of the County in which they may reside, and to observe that the days for Muster and Exercise, and the Names of the Officers whom I may see fit to appoint to command them will be duly notified, and that on proof of their Disobedience to such officers or of negligent performance of the Duties required of them, they will be subject, in the Absence of Martial Law, to a pecuniary fine and Imprisonment until the same shall be liquidated.

And whereas His Majesty having been graciously pleased to confide to me the Power to make all necessary Locations, and to grant unoccupied Lands within the aforesaid Territory under such Restrictions as are or may be contained in the several Instructions issued or to be issued to me by Authority of His Majesty's Government, I do hereby give Notice that the Conditions and existing Regulations under which Crown Lands will be granted will be exhibited to Public Inspection at the Offices of the Secretary to Government, and of the Surveyor of the Territory, subject to such alterations and amendments as may from time to time be ordered, and all Persons desirous of obtaining Lands or of becoming settlers for any other purposes in this Territory, are, as soon as may be practicable after their arrival in this Settlement, to appear at the Office of the Secretary to Government, and there to make application for Permission to reside in the Settlement, and all Persons found at large without having obtained such Permission will render themselves liable to be committed to Custody, and all Persons in like Manner who may intend to quit the Colony are to give a week's Notice of their Intentions to depart, upon pain of being liable to be apprehended and detained and of rendering the Master of the Ship in which they may be about to depart subject to a Fine as set forth by the Port Regulations.

God save the King!

Given under my hand and seal at Perth this 18th day of June, 1829.

L.S.

James Stirling,

Lieutenant-Governor.

By His Excellency's Command,

Peter Brown,

Secretary to Government.

### APPENDIX 3.

#### THE CONVICT SYSTEM.

Recognising it to be the duty of the historian to record facts rather than to discuss theories, this is not the place to enter at any length upon a discussion of the merits or demerits of the convict system from a moral point of view. Judged by the standard of pure ethics it must be admitted that the commingling of a convict element with the free inhabitants of a country cannot fail to have, at any rate, some demoralising influence with concomitant results. At the same time it is equally certain that the cheap labour resulting from the presence of large numbers of convicts and ticket-of-leave men tends greatly to the material prosperity of the community. Whether it is possible to so organise a convict system as to give the material advantages without any lowering of the ethical standard of the people, and whether such was actually encompassed in Western Australia, is a matter for moralists to discuss. So far as the historian is concerned, two facts stand out--in the hope of a prosperous future the Western Australian colonists were on the whole prepared to take the risk of contamination, and the Secretary of State believed that he had evolved a wise system of transportation from which no lowering of the moral tone was likely to result.

That the new system of transportation differed greatly from that in vogue in the early days of New South Wales is unquestionable. In fact, throughout the whole period during which felons were transported to Western Australia, the terms convict system and penal settlement as applied to that country had nothing in common with the same terms when used to describe the state of affairs, often worse even than slavery, that existed in New South Wales, Norfolk island, and Van Diemen's Land during the early part of the nineteenth century. Judged by the ordinary meaning attached to the expression, Western Australia was never a penal settlement. It was really a huge jail, the boundaries of which for the greater part of the criminals sent out were the limits of the colony itself. In accordance with the agreement made by the Home authorities with the colonists, the men sent out were to be able-bodied, not over forty-five years of age, well conducted in prison, and having at least half their sentences to run, such sentences on conviction having been for not less than seven years. It was also stipulated on the part of the colonists--who must have been very innocent if they thought the stipulation would ever be observed--that no criminals of a reckless or dangerous class should be sent out. Convicts from Irish jails were not to be transported, nor were female offenders. This last condition was strictly carried out, and to the absence of the corrupting effect of dissolute women is probably due the fact that so little moral taint remains upon the Western Australia of today.

A brief description of the system as it existed in the colony during the eighteen years of its operation may be of interest, particularly as it shows how great a change had come over the methods of dealing with convicts during the previous half-century. In the first place, the convicts before being transported were subjected to a probationary period of confinement in one of the great English prisons, and were selected, at any rate ostensibly, for their good behaviour and the apparent prospect of their redemption. On the voyage out every care, so far as was possible, was paid to their comfort and health, so that serious illness was infrequent and death a very rare event. When they arrived at Fremantle they were placed for about nine months in close confinement in the penal establishment--called by its compulsory occupants the

College. Here they were compelled to observe a strict prison regime, which did not bear too harshly upon those amenable to discipline. For those, however, who in any way attempted to flout the system there were very definite punishments. A diet of bread and water, additional imprisonment, the chain-gang, the dark cell, the cat-up to one hundred lashes--and even the gallows found a place when considered necessary in the scheme of reformation. But the punitive side of the remodelled system never pressed so harshly that men, as in Norfolk island, drew lots for the privilege of committing murder in order to secure a trip to Sydney, followed by the attentions of the hangman. While the punishments were severe, the privileges for good conduct were many. A certain degree of association with one another was permitted, and conversation with visitors was allowed. A library was established for the use of the convicts, and lectures were periodically given within the prison. It is recorded that in 1857 Governor Kennedy and a party visited the convict establishment for the purpose of hearing a convict lecture on music, with illustrative items by the prison choir! During the period of confinement or probation within the prison the convicts were employed on necessary works of maintenance and on various public works in and around Fremantle. When it was over they were released on a modified or restricted ticket-of-leave and sent out in parties to erect public buildings in various parts of the colony, to equip country depots, and to make roads. While so employed the value of the work done was placed to their credit, and enabled them to repay the 15 pounds set down as the cost of their passage out, and which it was necessary for them to refund to the prison authorities before the coveted conditional pardon could be secured. These parties were not confined or under any kind of penal coercion. Good behaviour was practically assured by the fact that misconduct revoked the probationary ticket and extended the time of service before the conditional pardon could be obtained. The greatest liberty was allowed to the road-making parties. These consisted of from twenty to fifty of the best-behaved convicts, who lived in camps along the line of road to be made. They were under the care of one warder, or in some cases two, but there were also instances of parties being sent out without any official in charge. In 1853 the custom of making certain prisoners constables was introduced, and found to be satisfactory, after which the road parties were generally under the control of one warder and one constable. Considering the liberty enjoyed, it is amazing that there were so few attempts at escape. The reason is probably to be found in the words of Captain Henderson himself, that the colony itself was "a vast natural jail." The escaping convict, even if he eluded capture, which was exceedingly improbable, stood a good chance of starving in the bush or dying of thirst. He also knew that with good behaviour his full ticket-of-leave, which practically meant freedom, was only a matter of a little time and not a great deal of labour. In fact, some of the descriptions of these road parties scarcely remind us of the dreadful and dreaded "system." Writing in 1864, a special correspondent of the Melbourne Argus says: "No one can say that the convicts work hard, and, as far as my experience goes, I found them remarkably comfortable both as regards shelter and diet. They are always as hospitable as they can be to a visitor. I put up several nights with road parties, and partook of meals with them which any man might heartily enjoy. The meal over, the men would produce their tame cockatoos or opossums, would enjoy a smoke or a stroll, would read books from the prison library, or spin yarns by the blazing fire. I found them all eager for information regarding t'other side; as they call the eastern colonies, and one and all stated their determination to get there. After an evening spent thus, we would turn in to comfortable beds and be up early next morning for a

wash in the creek. If they do not return thanks for having their lives cast in pleasant places, the men are a most ungrateful set."

The duration of this period of probation, which had to be served before full ticket-of-leave was granted, varied, of course, with the term of the original sentence. It also depended on the behaviour of the convict himself. Prior to 1857 the date upon which a prisoner serving a certain sentence would receive his ticket was determined by a percentage method; after 1857 by a system of marks adopted by Captain Henderson from that compiled by Captain Knight for the penitentiaries of Ireland. Under either method a convict sentenced to fifteen years could in ordinary circumstances secure his ticket at the end of the fourth year. He could, however, behave so excellently as to secure it in three, or so execrably as never to get it at all.

With the system of marks was coupled a system of gratuities. no convict, while in prison, had any claim to payment for his services, but as a reward for industry and good conduct received a gratuity of 2 pence for every six marks earned by him. This could be forfeited, wholly or in part, by misconduct, and in case of escape the cost of capture was charged against the gratuities. Thus by the time he was due for ticket-of-leave the convict was sure of having some money in his pocket.

With his ticket-of-leave, the convict reached another stage in his progress toward complete liberty, though he was still subject to many and severe restrictions. The prison was behind him, no warder watched over him; he was free to seek outside employment and to enjoy the fruits of his labours; but he must never lose possession of his ticket--a parchment document giving his name, number, description, age, and condition. Printed on its face were the conditions by which he must be guided. He was assigned to a certain district, and without the consent of the Comptroller-General or Resident Magistrate was not permitted to leave it. If he travelled from one town to another he must go by the usual road or by such road as his pass directed, and must report to the police both his arrival in and departure from a town. After reaching his assigned district he was allowed a fortnight during which to find work for himself; if unsuccessful he had to return to the penal establishment and was then sent to one of the country depots. From the depot he could be hired by a settler, and was compelled to take whatever wages were offered. According to the instructions of the Home authorities, the holder of a ticket-of-leave who entered the service of a settler was compelled to remain there for twelve months. This regulation was, however, found to be impracticable, and therefore was not enforced. Every change of master, as well as every change of residence, had to be endorsed on the ticket.

The ticket-of-leave man was permitted to acquire property, either leasehold or freehold, and could appear in any action or suit in the courts. He could compel his employer to carry out a contract with him, and was allowed to marry or to obtain his wife and family from England free of expense. But with all these privileges the eye of the authorities was always upon him. If he was guilty of any misconduct, whatever property he had acquired became the possession of the Crown. Under the Summary Jurisdiction Acts he could be arrested without warrant, and at the instance of a magistrate be awarded a term of imprisonment varying in length from one to three years. He must not carry firearms or be found upon a ship without permission, and between ten o'clock at night and daybreak he was not allowed to be away from his



place of residence. Both the magistrate and the police of his district must practically be aware of his every action.

The convict who, for a period determined by the length of his original sentence, managed to observe the conditions and avoid the snares and pitfalls of his ticket-of-leave became entitled to the much coveted conditional pardon. This document, which was granted only by the Secretary of State through the Governor, removed all restrictions, except one, upon the liberty of the holder. He could not return to Great Britain, nor, by special legislation, to Victoria or South Australia, until the whole term of his sentence had expired. The restrictions as regards the eastern colonies had been found necessary owing to the fact that the gold discoveries had attracted large numbers of conditional-pardon men, some of whom, in the absence of restraint, returned to their former methods of evil living. According to the evidence of Governor Fitzgerald before a committee of the House of Lords in 1856, it was only the imposition of these restrictions that prevented every conditional pardon holder leaving Western Australia for the eastern goldfields. The practice of issuing conditional pardons was not, it is said, viewed with favour by the local officials of the system. That can scarcely have been the case, as in 1863 we find the Secretary of State drawing attention to the ease with which conditional pardons could be obtained in Western Australia, and suspending their operation as regards prisoners under sentence of twenty years or more. Shortly afterwards the conditions under which these pardons were granted were made much more severe, a course which was expected to cause considerable trouble. That, however, never eventuated, as in 1864 the Governor was notified that transportation to the colony would cease entirely in three years from that date.

The above sketch describes substantially, though shortly, the convict system as it existed in Western Australia. That it was formulated on sound and humane lines is undoubted. Its underlying principle was remedial--to reform the prisoner and to offer him every inducement to once more become a respected member of society. Even in the hands of inhuman officials, such as those we read of in earlier records, it could never have brought about the awful horrors of Van Diemen's Land, though it might have gone some distance along the path. The success that it achieved was in the main due to the wisdom and capability of the officers, more particularly to the Comptroller-General, Captain (afterwards Sir) E.Y.W. Henderson, who, with infinite tact, perseverance, and impartiality, combined with a sound judgment, organised and controlled the whole system in Western Australia. That it was hardly penal is quite evident. Even the *Argus* correspondent, sent specially to find out the weak spots, and so strengthen the agitation against transportation to any part of Australia which was then being pursued with vigour in the eastern colonies, admitted that "the West Australian convict system has many excellent points. It does not, as was the case under the old assignment arrangements of New South Wales and Tasmania, place the convict at the mercy of a master, who may be both brutal and vicious. Neither is his punishment, as was the case at Norfolk Island, simply cruel and vindictive. The men have a constant inducement to behave well, as they know that by doing so they better their condition. During the probationary stage they are aware that each mark they earn brings them nearer to their ticket-of-leave, and when they obtain these a continuance of good behaviour has been required to entitle them to their conditional pardons. This requiring a man to find employment before he is liberated upon his ticket works well, forcing him for a time, at least, into habits of industry. During his detention on the

roads he sees the settlers and learns what is to be done, and by the time he has served his ticket-of-leave out, and is wholly thrown upon his own resources, he ought to have acquired some little money and a full measure of colonial experience."

Given good behaviour, the life of the convict was not unhappy. Cut off from his old associations, he had every chance of beginning life afresh, and in some instances so appreciated the chance that he achieved more than a competency. In any case his life was more comfortable than that of a free labourer in England, if not in the colony itself. The evidence of Royal Commissions and convict officers repeatedly shows that transportation to Western Australia was actually sought for. Of course, not all the convicts transported were reformed. A proportion, the scum of English cities, remained untouched by remedial measures, and during the whole term of their residence in the colony these were a menace and dread to the settlers, being often debarred from criminal acts only by the want of opportunity. If the original intention to introduce only the best class of convicts had been carried out, this phase would probably not have made its presence felt, but, as Captain Henderson stated in 1856, the English prison authorities were sending out "the men they do not hang." The joint committee appointed in 1862 also affirmed that "it has been shown that in one case the Governor of Chatham Prison was specially instructed to select for embarkation the convicts least fit to be discharged at home." Fortunately Western Australia was saved from the crowning iniquity of a convict system--the transportation of vicious and abandoned women, though some women introduced in 1856 from London workhouses proved almost as bad.

Considered as a whole it may be said that the convict system in Western Australia was conducted on such lines as to ensure the least possible baneful effect. Except that the stigma of once having been a penal settlement must always remain, that effect has become a vanishing quantity.

Whether the colonists of those early days could have achieved success without the introduction of convict labour it is, perhaps, impossible to say. But whatever material advantages accrued from the convicts, they were not, and could not be, sufficient to justify their introduction. With brave hearts the early settlers founded the colony on the proud principle that it was to be free. In the face of adversity they yielded up their principle on the altar of expediency, and all that one can say is that the fact that they were compelled to do so is greatly to be deplored.

#### LIST OF WORKS CONSULTED FOR APPENDIX 3.

Dispatches between Colonial Office and Governor 1850 to 1868.

Great Britain Parliamentary Papers:

Papers and correspondence on convict discipline and transportation presented to Parliament by command: 1851 14 May and 4 August; 1852 30 April and 13 December; 1853 18 July; 1854 May; 1855 February and August; 1856 2 June; 1857 21 March and 25 August; 1859 August; 1860 Number 2701; 1861 March; 1862 8 May; 1863 24 July.

Report of the Select Committee of the House of Lords 10 July 1856.

Reports of Select Committees of the House of Commons on Transportation, June to July 1856 and 28 May 1861.

Report of the Commissioners appointed to inquire into the operation of the Acts relating to transportation, 1863 Command Paper 6457.

Grellet, H.R. Case of England and Western Australia in respect to Transportation London 1864.

Inquirer newspaper 1850 to 1868.

Perth Gazette newspaper 1850 to 1868.

Records of Colonial Secretary's Office Western Australia 1850 to 1868.

Willoughby, H. British Convict in Western Australia London 1865.

**(APPENDIX 4. STATISTICS OF WESTERN AUSTRALIA, 1829 TO 1900.)**

**APPENDIX 5.**

**PROSPECTUS OF WESTERN AUSTRALIAN COMPANY AND DESCRIPTION OF AUSTRALIND.**

5.1. Settlement of Australind in Western Australia, under the Western Australian Company, Office 33, Old Broad Street, London.

**DIRECTORS:**

William Hutt, Esquire, M.P. Chairman.

John Chapman, Esquire, Deputy Chairman.

Thomas Holdsworth Brooking, Esquire.

Henry Buckle, Esquire.

Charles Enderby, Esquire.

James Irving, Esquire.

Jacob Montefiore, Esquire.

George Robert Smith, Esquire.

Captain Mark Halpen Sweny, R.N.

Edward Gibbon Wakefield, Esquire.

Secretary: Charles Henry Smith, Esquire.

Bankers: Messrs. Smith, Payne, and Smiths.

Solicitors: Messrs. Few, Hamilton, and Few.

Upwards of ten years have now elapsed since Western Australia was taken possession of as a Dependency of the British Crown, when a Settlement was formed upon the banks of the Swan, and in the immediate vicinity of that river. Perth and other small towns were founded, and, subsequently, some inconsiderable settlements have been formed at King George's Sound, and other points. The laws of Great Britain are fully established in the colony; its social condition is superior to that of many of the new settlements; and Her Majesty's Government having determined to apply to it the principles of colonisation which have had such eminent success elsewhere, the Western Australian Company has been formed to cooperate in those views, by the investment of capital in the acquirement of land, and the conveyance of settlers and emigrants to the most favourable point upon the western coast of the continent of New Holland, within the boundaries and under the jurisdiction of the Colony of Western Australia.

To carry out these objects, the Western Australian Company has acquired a right to a large quantity of land in the colony, a portion of which, amounting to 51,000 acres, and situated in the vicinity of Leschenault, in the maritime county of Wellington, is now under survey, for the purpose of establishing the Company's first settlement of Australind. The selection of this spot has been the result of careful investigation; and the inlet, upon which the town will be placed, is formed by the embouchure of four rivers which pass through the Company's property or form its boundary. The anchorage at the mouth of this inlet is stated to be excellent, as is evidenced by the fact that several thousand tons of shipping annually resort there. (See Official Return annexed.)

The town of Australind will extend over a space of 1000 acres, exclusive of a reserve for public objects, such as quays, streets, squares, markets, churches, and public gardens, in and adjoining the town, which is divided into 4000 sections, of a quarter of an acre each.

In addition to these, 50,000 acres of the neighbouring lands will be selected by the Company's Chief Commissioner, and subdivided into 500 lots of rural land, consisting of 100 acres each.

#### TERMS OF LAND SALES.

The lands, which will constitute the site and vicinity of Australind, are allotted for sale to the public in the following manner: to each of the lots of 100 rural acres are attached (to be drawn for separately as after explained) four town sections of one quarter of an acre each, which rural acres and town sections (called mixed allotments) are offered at 101 pounds each; the remaining town sections at 10 pounds each.

Of these mixed allotments and town sections, a portion has been reserved, and is offered for sale to settlers only: and of the other lots, such as remain unsold are offered to the public generally at the above-mentioned prices.

The choice of the allotments and town sections thus offered for sale will be determined by lot, drawn at the company's office, in the presence of the purchaser or his agent (as after explained) and of three of the directors; and within one week after the decision of each purchaser's priority of choice, he will be entitled to receive land orders, authorising and requiring the officer of the company in the settlement to deliver to him, or to his agent, the allotments or sections to which he is entitled, to be selected according to his ascertained priority of choice, subject, nevertheless, to the provisions hereinafter mentioned.

A large portion of the lots had already been sold, and the purchasers have received land orders, giving them a priority of choice according to the numbers drawn by them. The list of numbers which remain undrawn may be obtained at the company's office; and persons, who may now become purchasers, will be entitled to land orders, giving them a priority of choice with the previous purchasers, according to the numbers to be drawn by them out of the undrawn list.

Application for the purchase of these land orders may be made in writing at the office of the company, Number 33, Old Broad Street, where forms of application may be obtained; and such applicants will be entitled, on payment of the amount of the purchase money into the hands of the company's bankers, Messrs. Smith, Payne, and Smiths, to attend on any Tuesday, at two o'clock precisely (either personally or by their agents) when their orders of choice will be drawn according to the priority of such payments, in the presence of themselves or their agents, if they think proper to attend, and of three of the directors, who will be in attendance.

The mode of drawing will be as follows: The numbers are placed in four several wheels or revolving boxes, the settlers' rural sections in one wheel, and the settlers' town sections in another wheel; the general rural sections in one wheel, and the general town sections in another wheel.

These land orders will be transferable at the will of the holders, on giving written notice thereof to the secretary of the company in England, or to the Chief Commissioner of the company in the settlement, in manner prescribed by the regulations of the company, and indorsed upon such land orders. The choice of the allotments, of which priority shall have been so determined by lot in England, will take place in the settlement so soon as the requisite surveys and plans shall have been completed; and will be made under such regulations as the chief commissioner of the company in the settlement so authorised shall prescribe. Neglect or refusal to comply with such regulations in regard to any section will occasion a forfeiture of the right of choice by the purchaser, and vest it in the company's officer on behalf of the purchaser; and such officer will be directed to proceed, with the utmost dispatch, in effecting such selections, unless the purchaser, or some person duly authorised on his behalf, be present in the colony to make such selection, so soon as the site of the town shall have been marked out, and be ready for selection of the various sections. Of the money to be paid to the company by purchasers of mixed allotments, 50 pounds per cent will be laid out in defraying the cost of emigration to the settlement, and in public improvements therein. Thus, in addition to the change of system adopted by the Government, as to the public lands of the colony generally, one half of the purchase money of these private lands will be employed in adding to the value of the property, by conveying population to the settlement. Purchasers of rural land,

intending to settle thereon, will be entitled, out of the fund set apart for emigration, to an allowance for their own passage, and that of their families and servants, equal to 50 pounds per cent of their purchase money, subject to such regulations as may be framed by the directors. But persons claiming such allowance must notify their intention to become resident settlers at the time of applying for their land. Purchasers of not less than 300 acres of rural land, not themselves proceeding to Australind, will be nevertheless entitled to a return of so much of their purchase money as shall be sufficient to defray the passage of an agent, provided such agent become an actual settler.

All persons claiming an allowance out of the emigration fund, for a free passage to the company's territory in Western Australia, in consequence of their own or their agent's intention to settle thereon, will receive land orders containing special provisions in respect of such intending settlement, copies of which forms may be had at the office.

In the selection of emigrants of the labouring class, the company will give a preference to applicants who shall be under engagement to work for capitalists intending to emigrate, and to persons purchasing land of the company.

Except for cabin passengers, the whole of the fund set apart for emigration will be laid out by the company in providing free passages for young married persons of the labouring classes, and of unmarried persons under thirty years of age, as far as possible, in equal proportion of the sexes.

One half of the whole fund received for quarter-acre town sections, at the rate of 10 pounds each, and which, on the completion of the present proposed sales, will amount to 10,000 pounds, will be strictly laid out by the company on objects of public utility and convenience in the town.

In the event of the directors being unable to award land out of the advertised lots, by reason of the number of persons who shall have made payment to the company's bankers for the purchase of lots exceeding the number contained in the lists, it will be at the option of the applicants so excluded (by the rule of priority of payment before mentioned) either to be registered for purchase at the next succeeding sale of the company's land, or to receive back the purchase money deposited.

By order of the Board,

C.H. Smith,

Secretary.

Office of the Western Australian Company, 33 Old Broad Street, London, August 12th 1841.

(TABLE: Return of shipping at Port Leschenault, Koombana Bay, from 1st January to 31st March 1841.)

## 5.2. DESCRIPTION OF AUSTRALIND, WESTERN AUSTRALIA, TO ACCOMPANY THE TOWN PLAN.

Australind is beautifully situated on the eastern side of Leschenault Inlet, at a distance of about six miles from Koombanah Bay, or, as it has been generally called, Port Leschenault, a good roadstead, within Point Casuarina, at the eastern extremity of Geographe Bay. The bay is open only from north or north and by east to west-north-west or west and by north; but as there is a strong undercurrent setting out, ships ride safely even in heavy gales from that quarter. The Parkfield of 580 tons, in April last rode out the heaviest gale recently known on this coast; and the Plato, American whaler, is passing the present stormy winter at anchor there. At the entrance of the inlet a shifting sandbar exists on which the sea breaks. It has, in the channel, from four to nine feet water, which might be increased by the adoption of proper means. The inlet itself is the estuary of three considerable rivers, namely the Preston, which discharges its waters into it at about two miles from the entrance, and the Collie (after it has been joined by the Brunswick) about two miles higher up. This inlet or estuary is a fine inland sea, completely land-locked, twelve or thirteen miles long, separated from the ocean by a narrow but high promontory of broken outline, which in most parts is covered with timber and vegetation, and has a very picturesque appearance. Opposite to the town site of Australind the inlet is from a mile and a mile and a half to two miles wide; its water is almost pure seawater during the summer; but in the winter is nearly, if not quite, fresh: it is quite so at the present moment (30 June 1841). The inlet is remarkably free from weeds on its surface and banks, and being generally full to the edge, has little of the general character of creeks or harbours. It abounds with fine fish, and is frequented by black swans, ducks, pelicans, cranes, and other aquatic birds.

The view of the inlet and opposite shore from the town site is extremely beautiful, while the view of the town site from the inlet is equally pleasing. It presents in appearance a high bank of forest scenery rising from the water's edge (in some places within less than a quarter of a mile) to a considerable elevation, which reaches at points to eighty and one hundred and even one hundred and twenty-eight feet. A flat, a few feet above the level of the estuary, but superior to all flood, runs along the whole sea front of the town; which, with the exception of that part which is intended to be more especially devoted to purposes of trade, is thrown back upon the rising grounds, and extends over them across the Brunswick on the east, and to the River Collie on the south east. The Brunswick, thus passing through the centre of the town, is from thirty to forty yards wide, and the Collie, which bounds it at the south-eastern end, is one hundred and thirty yards in width. These rivers, having a depth of from one and a half to three fathoms, and being remarkably free from fallen timber, are navigable for several miles.

The soil of the town site is, in parts on the shore of the estuary, and almost entirely on both sides of the River Brunswick, alluvial. Elsewhere it is principally of a sandy nature, with great admixture of burnt wood and other vegetable matter, or decomposed limestone, and consequently is nowhere sterile, while the summits of hills, and rising grounds within the town site, bear actual evidence or strong indications of the presence of limestone, which, of a remarkably pure quality, is found on some of the hills immediately outside the town.

The whole undulating surface of the town site is covered with luxuriant vegetation and beautiful flowers, and sprinkled with fine timber; but it is not generally very heavily wooded, though in parts the trees are of gigantic size. The timber consists of mahogany, redgum, limestone gum, and bluegum, peppermint, banksia of three kinds, and teatree on two or three spots. Water of excellent quality is to be found everywhere, even within a few feet of the inlet, at a trifling depth--the depth varying, of course, according to the elevation or depression of the spot. The site is everywhere above all flood. There are only two or three places where water lodges in the winter (called here swamps\*) and facility of drainage into the estuary, Collie, and Brunswick universally exists. The salubrity of the situation and the delicious climate of the district are undeniable.

(\*Footnote. Swamps here are not morasses--simply places in which water occasionally lodges, but are dry in summer.)

The plan of the town has been arranged with the view to carry the streets along the most level lines which the high and undulating character of the ground would allow of--leaving the summits of the highest hills for public objects, such as the intended colleges, hospitals, observatory, pleasure grounds for park, cattle market, and cemetery. Koombanah Road, which will be the Government road from Bunbury and the southern districts to Perth, runs along the flat at a short distance from the estuary, on a dead level below the rising ground. The main street springs at its western end from the centre of a crescent (the radius of which is nearly half a mile in space) which rises from the flat, by a gentle ascent from each end, up a hill which at the crown is above forty feet in height. The hill is too steep at present to permit a carriage ascent directly up its front to the commencement of the street as shown on the plan, but steps for foot passengers will be immediately laid up its slope, and the crescent at top is so arranged that, if a carriage road should hereafter be found desirable, it can be effected by excavating the hill in the line of the street and carrying the road of the crescent over it by means of a timber or iron bridge. The main street is, including twelve-foot footpaths, eighty feet wide, and runs in a straight and almost level line to a corresponding hill near the River Brunswick, where it descends, and over which it is to be carried by a bridge continued to that part of the town which is to be placed on the elevated tableland on the eastern side of the river, through which its direct eastern course is carried. On either side of this main street is a hill of considerable elevation--that on the north, called Leeds Hill, intended for the site of a college for youths, is one hundred and nine feet high, at the western end of which a site for one of the principal churches has been reserved. Aylesbury Hill on the south, intended as the site of the female college, is one hundred feet high; to the south of that again is Mount Cameron (from the summit of which there is a splendid view of the estuary, and, inland, of Roe's and the Darling Ranges) one hundred and twenty-six feet high, intended for the site of a hospital or other public institution. The hill further to the south, on which the markets are situated, called Bedford Hill, is one hundred and five feet high, and that overlooking the Collie and its beautiful scenery, named Mount Lautour, is one hundred and twenty-one feet high--the whole of this hill, from the peculiar beauty of its position, has been lotted out, the streets so arranged as not to pass directly over its summit, and the rise is very gradual. Staughton Hill, at the entrance of the town on the south, is sixty feet high. About three-quarters of a mile to the north of the crescent, at the extremity of the town, is Beaufort Hill, which rises precipitously from the flat on the estuary to one hundred feet in height--and which is a suitable spot for an



observatory. To the east of that hill is another of great picturesque beauty, the highest ground in the town site, being one hundred and twenty-eight feet high, to which the appellation of Mount Australind has been given. Both these last-mentioned hills are within the park (containing in the whole four hundred acres) which is to surround the town, and immediately outside of it a hill of less elevation, named Claremont (sixty feet high) has been appropriated to the general cemetery. Public quays on the estuary, on the Collie, and on both sides of the River Brunswick, have been appropriated for the convenience of the town, together with sites for a library, museum, military station, post office, and for seven churches or other places of public worship, with ground for ministers' residences and schoolhouses, and Quakers' meetinghouse; and recreation grounds on the banks of the estuary.

It is hardly possible to conceive a finer situation for a town, both with reference to sea and inland communications and other natural advantages. Although the depth of water in the inlet is not great, it is sufficient at all times for boats of considerable size, and steamers. The River Collie has the disadvantage of a bar, with shallow water at its mouth in the inlet; but when entered, both it and the Brunswick are deep and navigable for many miles and might easily be made so to a higher distance.

At three or four miles above the town site, the North and South Brunswick, both which rivers pass through the centre of the grant, unite, and their joint waters constitute the Brunswick as passing through the town site. The North Brunswick, during the summer months, consists of large pools or rather lakes, one third, one half, and one mile and a half in length, of great depth, full of fine water, even to the end of the dry season, and these pools might be easily united by removing the fallen trees and other obstructions in the course of the stream. The South Brunswick, which comes from, and perhaps passes through, the Darling Range, runs through a pass of romantic scenery in Roe's Range, which is within this grant, at the distance of about six miles, and on which there is land of the finest description. On the banks of these rivers, there are alluvial flats of great fertility.

Western Australian Company's Office, 33 Old Broad Street, London.

N.B. The plan of the town and a sketch of the port may be had of Messrs. Smith, Elder, & Co, Number 65, Cornhill. A birds-eye view of the settlement may be expected.

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